



# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**UNITED STATES CIVIL-MILITARY RELATIONS:  
DEFENSE REFORM**

by

Stifani M. Rori

March 2016

Thesis Advisor:  
Second Reader:

Anne Clunan  
Thomas Bruneau

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**UNITED STATES CIVIL-MILITARY RELATIONS: DEFENSE REFORM**

Stifani M. Rori  
Captain, Indonesian Army  
Combat Arms, Indonesia Military Academy, 2005

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March 2016**

Approved by: Anne Clunan  
Thesis Advisor

Thomas Bruneau  
Second Reader

Mohammed Hafez  
Chair, Department of National Security Affairs

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## **ABSTRACT**

This thesis investigates how communication between civilians and military elites can create better defense institutions. The Goldwater-Nichols Act of 1986 and the 9/11 Commission Report are used as case studies to analyze the creation of the Intelligence Reform and Terrorism Prevention Act of 2004, and how it reformed defense institutions. This thesis examines the causes, processes, results, and implementations of the two case studies to determine the level of civil-military relations used in U.S. defense reform. Rational political interests are revealed as the major concern for U.S. elites responsible for passing laws in the executive, legislative, and military branches. When rational interests become the main concern, however, it is difficult to achieve effective defense institutions. This thesis recommends continuous defense reforms, instead of reactionary reforms, for two reasons: ensuring the effectiveness of defense institutions and achieving better communication between civilian and military elites.

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## TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION.....</b>	<b>1</b>
<b>A.</b>	<b>BACKGROUND .....</b>	<b>1</b>
<b>B.</b>	<b>IMPORTANCE.....</b>	<b>3</b>
<b>C.</b>	<b>PROBLEMS AND HYPOTHESES .....</b>	<b>6</b>
<b>D.</b>	<b>LITERATURE REVIEW .....</b>	<b>7</b>
1.	Civil-military Relations in the United States and Defense Reform .....	7
2.	Reform of the Security Sector in Democracies.....	12
3.	Defense Reform Effectiveness .....	13
<b>E.</b>	<b>RESEARCH DESIGN .....</b>	<b>14</b>
<b>II.</b>	<b>THE GOLDWATER-NICHOLS ACT OF 1986 .....</b>	<b>15</b>
<b>A.</b>	<b>CAUSES OF REFORM: MILITARY INEFFECTIVENESS AND INEFFICIENCY.....</b>	<b>16</b>
1.	Vietnam War .....	17
2.	Iranian Hostage Rescue Operation .....	18
3.	Beirut Bombing .....	20
4.	Grenada Invasion.....	20
5.	Pentagon Mismanagement .....	21
<b>B.</b>	<b>PROCESS .....</b>	<b>22</b>
<b>C.</b>	<b>RESULT.....</b>	<b>32</b>
<b>D.</b>	<b>IMPLEMENTATION .....</b>	<b>40</b>
<b>E.</b>	<b>CONCLUSION .....</b>	<b>44</b>
<b>III.</b>	<b>THE 9/11 COMMISSION REPORT .....</b>	<b>47</b>
<b>A.</b>	<b>CAUSES OF REFORM: INTELLIGENCE INEFFECTIVENESS AND POPULAR PRESSURE .....</b>	<b>48</b>
<b>B.</b>	<b>PROCESS .....</b>	<b>53</b>
<b>C.</b>	<b>RESULT.....</b>	<b>57</b>
<b>D.</b>	<b>IMPLEMENTATION .....</b>	<b>63</b>
<b>E.</b>	<b>CONCLUSION .....</b>	<b>69</b>
<b>IV.</b>	<b>CONCLUSION .....</b>	<b>71</b>
<b>A.</b>	<b>CAUSES.....</b>	<b>73</b>
<b>B.</b>	<b>PROCESS .....</b>	<b>74</b>
<b>C.</b>	<b>RESULT.....</b>	<b>76</b>
<b>D.</b>	<b>IMPLEMENTATION .....</b>	<b>78</b>

E.	IMPLICATIONS .....	79
F.	FURTHER STUDY AND RECOMMENDATIONS .....	80
LIST OF REFERENCES .....		83
INITIAL DISTRIBUTION LIST .....		93

## **LIST OF FIGURES**

Figure 1.	Military Failures Leading to the Goldwater-Nichols Act of 1986.....	17
Figure 2.	Relations between Intelligence and Policymakers' Attitudes.....	52
Figure 3.	Recommendation for the Structure of the U.S. Intelligence Community from the 9/11 Commission .....	60

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

CCDR	Combatant Commander
CIA	Central Intelligence Agency
CINC	Commander in Chief
CJCS	Chairman of the Joint Chiefs of Staff
DCI	Director of Central Intelligence
DNI	Director of National Intelligence
DOD	Department of Defense
FBI	Federal Bureau of Investigation
FSC	Family Steering Committee
GCC	Geographical Combatant Commander
HASC	House Armed Service Committee
JWFC	Joint Warfighting Center
NCIX	National Counterintelligence Executive
NCPC	National Counterproliferation Center
NCTC	National Counterterrorism Center
NGA	National Geospatial-intelligence Agency
NRO	National Reconnaissance Office
NSA	National Security Agency
NSC	National Security Council
ODNI	Office of Director of National Intelligence
PDP	Public Discourse Project
SASC	Senate Armed Service Committee
USSOCOM	United States Special Operation Command
USSTRATCOM	United States Strategic Command

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## **ACKNOWLEDGMENTS**

For Mom, Dad, and my sister.

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## I. INTRODUCTION

This thesis examines the differences in enacting and implementing two defense reform policies; of particular interest is the way that civilians and the military acted with respect to matters of defense effectiveness. This thesis explores why the United States reformed its institutions through the Goldwater-Nichols Act of 1986 and the Intelligence Reform and Terrorism Prevention Act of 2004 that largely adopted the 9/11 commission recommendations on reforming the Intelligence Community, as well as the impact for defense reform in United States on civilian control of defense institutions and defense effectiveness.

### A. BACKGROUND

Civil-military relations is the relationship between the military and the people outside of the military organization in a nation-state. Elliot A. Cohen defines normal civil-military relations as a relation that has clear distinction of responsibilities between the civilian and military.<sup>1</sup> Further Cohen argues that “political leaders should develop objectives, provide resources, set broad parameters for action, and select a commander—then step back, and intervene only to replace him should he fail at his task.”<sup>2</sup> The balance of normal civil-military relations is important, not only overtime but also to enhance effectiveness of the military.

In order to reach the purpose of this thesis, the relation between the intelligence community and the civilian are categorized as a subset of the military in civil-military relations.<sup>3</sup> The intelligence community is categorized as a subset of the military in the civil-military realm in this thesis because of the similarity in the tensions between the

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<sup>1</sup> Elliot A. Cohen, “Supreme Command in 21<sup>st</sup> Century,” *Joint Forces Quarterly* no. 31 (Summer 2002): 49, <http://www.dtic.mil/doctrine/jfq/jfq-31.pdf>.

<sup>2</sup> Ibid.

<sup>3</sup> Thomas C. Bruneau and Kenneth R. Dombroski, “Reforming Intelligence: The Challenge of Control in New Democracies,” in *Who Guards the Guardians and How: Democratic Civil-Military Relations*, edited by Thomas C. Bruneau and Scott D. Toffelson (Austin, TX: The University of Texas Press, 2006), 145; Alfred Stepan, “The Brazilian Intelligence System in Comparative Perspective,” in *Rethinking Military Politics: Brazil and the Southern Cone* (Princeton, NJ: Princeton University Press, 1988), 13–29.

military and intelligence communities as they relate to democracy.<sup>4</sup> Also, particularly in the United States, the military that dominated intelligence community prior to the 1947 Security Act, still dominates the intelligence community today.<sup>5</sup>

In principle, the U.S. security organizations should ensure the security of the nation itself and the nation's interests throughout the world. In the last three decades, the United States has reorganized the fundamentals of its security sector twice. The first change focused on reorganization and control of the armed forces; the second, on the intelligence community. Civil-military tensions over reform were—and are—unsurprising, as civilians determine how the military has to fight and how the intelligence agencies must act.

Different degrees of civilian and military support for defense effectiveness colored both reforms from their beginnings. The Goldwater-Nichols Act of 1986 changed the armed forces' way of fighting and organizing. Domestic political support in the legislative and executive branches and among the military leadership was mixed. Some politicians and military officers liked how the armed forces performed and thought that the people with the most expertise in the job should determine how the armed forces want to work.<sup>6</sup> On the other hand, after some conspicuous failures, others, including senior military officials, thought that the armed forces needed to change.<sup>7</sup> The public was largely absent from the debate.

The 9/11 Commission enjoyed something that the Goldwater-Nichols Act did not have: broad and unified popular support. After the unfortunate disasters of September 11, 2001, the people of the United States came together. The threat of further attacks on American soil effectively united the nation. The civilian leadership both blamed the intelligence organizations for failing to prevent the attacks and expected them to make rapid changes to protect the nation from further attacks. The people demanded fast action.

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<sup>4</sup> Bruneau and Dombroski, "Reforming Intelligence," 145.

<sup>5</sup> Ibid., 170.

<sup>6</sup> James R. Locher III, *Victory on the Potomac*, ed. Joseph G. Dawson III (College Station, TX: Texas A&M University Press, 2002), 4–5.

<sup>7</sup> Ibid.

Even here, though, there was political infighting over both the constitution of the 9/11 Commission and implementation of intelligence reform. Congress passed the Intelligence Reform and Terrorism Prevention Act in 2004. The civilian leadership and the military—in this case, including the intelligence community—worked at odds with the 9/11 Commission to control how reform would take place.

## **B. IMPORTANCE**

The United States, undoubtedly, is the strongest military power in the world. Moreover, the United States also actively promotes democracy throughout the world. One aspect of U.S. democracy that garners great attention is a military under strong democratic control. The long success of strong democratic control over the U.S. military does not mean that there have not been tensions between civilians and military. The problems range from the effectiveness in many aspects of the military as the guardian of the nation to the trust between the civilian leadership and the security institutions.

With respect to trust, Cohen argues that, “In the United States politicians fret over military options while soldiers complain about micromanagement, interference, and ambiguous guidance.”<sup>8</sup> Trust between civilian and military leaders has been in question at times. In this light, Strobe Talbott quotes Nikita Khrushchev: “The President is not sure that the military will not overthrow him and seize power. The American Army could get out of control.”<sup>9</sup> Today, a military coup in the United States is highly unlikely, but the views of the military still have political significance in shaping the nation’s defense policy, and even the nation’s foreign policy.

Relating the civil-military relations in United States to the condition of effectiveness, Christopher E. Gibson offers his view that “functional civil-military relations do not guarantee successful policy outcomes, but dysfunction in this critical area

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<sup>8</sup> Cohen, “Supreme Command,” 49.

<sup>9</sup> Nikita Sergeevich Khrushchev, *Khrushchev Remember*, ed. Strobe Talbott (Boston, MA: Little, Brown and Company, 1970), 498. Even though it was unproven that the military was likely to overthrow the United States government, Khrushchev had thought about that possibility based on the situation at hand and believed that it was likely to happen.

is sure to produce incomplete options and ineffective outcomes.”<sup>10</sup> Thomas Bruneau, similarly, writes that:

Democratic civilian control of the armed forces is not an issue in any of the reform initiatives ... instead, the focus is on effectiveness, which is impeded by the institutions, and their relationships with one another ... virtually all issues of government, including the reform of institutions and personnel, are worked out, or more commonly kicked down the road, in a highly politicized environment.<sup>11</sup>

These two arguments from the scholars in the United States civil-military relations field showed that even decent civil-military relations must be examined to create an effective defense sector. The relations between civilians and the military were important but not the focus of defense reforms. Instead, effectiveness was the main purpose of reform, and functional civil-military relations were a means to achieve effectiveness in defense reforms.

In a democracy, national security reforms ought to reflect the people’s expectations regarding a defense system that reinforces two aims: civilian control of the armed forces and intelligence services (including appropriate use of taxpayer dollars), and the preparedness and effectiveness of these services. The passage of the Goldwater-Nichols Act and the Intelligence Reform and Terrorism Prevention Act of 2004 offer an opportunity to investigate the extent to which security reform designed to improve defense effectiveness are carried out in accordance with the nation’s interests, as a concern for the national, rather than narrow interests, would expect. These laws were created in two different contexts and circumstances of necessity. The passage and implementation of the Goldwater-Nichols Act and Intelligence Reform and Terrorism Prevention Act need to be examined to assess whether defense reform reflect a these twin goals.

The Goldwater-Nichols Act took almost four years to pass. Congress initiated this act in the wake of several high-visibility military failures: the inconclusive results of the

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<sup>10</sup> Christopher P. Gibson, “Enhancing National Security and Civilian Control of the Military: A Madisonian Approach,” in *American Civil-Military Relations: The Soldier and The State in the New Era*, ed. Suzanne C. Nielsen and Don M. Snyder (Baltimore, MD: John Hopkins University Press, 2009), 239.

<sup>11</sup> Bruneau, *Patriot for Profits*, 105.

Korean War 1950–1953, the Vietnam War 1955–1975, Operation Eagle Claw 1980, the Beirut Marine barracks bombing in 1983, and the Grenada invasion of 1983.<sup>12</sup> This act required long negotiations between Congress and the civilian and military leaders in DOD, as well as the Joint Chiefs of Staff. Some in the military thought that Congress had no idea what the armed forces were doing and, thus, should defer to the military as the expert in controlling violence.<sup>13</sup> General John A. Wickham Jr., for example, vividly stated that the reform coming from Congress would cost the United States its national security.<sup>14</sup> On the other hand, Congress, as the people’s representatives, has the power to regulate the military, and, in its view, the armed forces needed to follow the people of the United States.<sup>15</sup> It was clear that there were gaps between civilians and the military on this matter.

In contrast, the 2004 Intelligence Reform and Terrorism Prevention Act that changed the United States defense intelligence sector took less than a year to be passed into public law after the 9/11 Commission issued its recommendations for intelligence reform. Even though the 9/11 attacks were blamed on the intelligence community, including the U.S. defense intelligence sector, Congress seemed to have faith in the executive branch, especially the defense agencies, would implement the recommendations in order to protect the nation.<sup>16</sup> There were no strong disagreements from the intelligence community.<sup>17</sup> Reform ensued relatively quickly.

It seems that the civil-military situation before and during the passage of these reforms influenced the tone and nature of the laws that express them. Given the civil-military context, the proposed thesis asks: What led to the enactment of these laws, and have they strengthened civilian control of the military in the United States?

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<sup>12</sup> Locher, *Victory on the Potomac*, 4.

<sup>13</sup> *Ibid.*, 3–12.

<sup>14</sup> *Ibid.*, 3.

<sup>15</sup> *Ibid.*, 4.

<sup>16</sup> Thomas C. Bruneau, *Patriots For Profit: Contractors and the Military in U.S. National Security*, (Stanford, CA: Stanford University Press, 2011), 87.

<sup>17</sup> *Ibid.*

### C. PROBLEMS AND HYPOTHESES

Even though civil-military relations in the United States are hardly in crisis, it is important to investigate how effective the defense reform of the nation is as a political product of the collaboration of the civilian and military in a relatively high civilian control over the military. The results of the reform process are important because defense sector reform could weaken or strengthen the relation between the civilian and military leaders in their collaboration to keep the nation secure. In the United States, gaps and divisions exist between the leaders of the civilians and the military.<sup>18</sup> The differences between civilian and military leaders appeared vividly when high ranking military officers disagreed with Secretary of Defense Donald Rumsfeld in the matter of transforming the United States military from a Cold War force to become a more responsive force.<sup>19</sup> Also, in 2006, numerous retired high-ranking military officers openly criticized the administration's defense policy.<sup>20</sup> This thesis assesses if such tensions have led to out-of-focus defense policy that negatively impacts U.S. defense effectiveness. The Goldwater-Nichols Act and the Intelligence Reform Act are argued to be examples of policy that tended to create a more effective defense sector; this thesis will evaluate this claim.

Based on a review of the relevant literature, there are two sets of hypotheses that this thesis evaluates to answer the following two questions: What has driven the enactment of defense reform in the United States? And, has the enactment of defense reform strengthened the effectiveness of the defense institutions in the United States?

The potential explanations for why defense reform in the United States was enacted are: calculations regarding the civilian leaders' and military agencies political interests drove the enactment of security reform; changes in the U.S. strategic environment drove the enactment of security reform; and lack of security effectiveness (military and intelligence failures) drove the enactment of defense reform. It is

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<sup>18</sup> Mackubin Thomas Owen, *U.S. Civil-Military Relations After 9/11: Renegotiating the Civil-Military Bargain* (New York: The Continuum International Publishing Group, 2011), 3.

<sup>19</sup> *Ibid.*, 4.

<sup>20</sup> *Ibid.*

hypothesized that the most effective type of reform is that initiated in response to the changes in the strategic environment.

## **D. LITERATURE REVIEW**

This literature review discusses the framework of civil-military relations in the United States, and also surveys scholars' contributions regarding the causes of defense reform and the impact of defense reform on civil-military relations in the United States.

### **1. Civil-military Relations in the United States and Defense Reform**

Democratic civilian control in United States has been a crucial issue for scholars and leaders in the United States, not only because it affects millions of people who work for the U.S. DOD, but also because the civilian oversight function mandated by the constitution can be complicated.<sup>21</sup> Congress has the mandate from the constitution to “raise and support armies and a navy, declare war, and to regulate the relationship with the state militias.”<sup>22</sup> The constitution vests the power of Commander in Chief in the U.S. President.<sup>23</sup>

According to William W. Kauffman, the defense community (here defined to include both the military and the intelligence agencies) in the United States is therefore in an ambiguous situation between two authorities: the Congress and the president.<sup>24</sup> Michael F. Morris argues that, “At times, the division of power and responsibility between the executive and legislative branches of the government has created difficult situations for military leaders as they have sought to respond to the sometimes different interests and viewpoints of the Congress and the president.”<sup>25</sup> Morris offers the example of General Eric Shinseki’s testimony in the front of Congress in 2003 about the number

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<sup>21</sup> Michael F. Morris, “The Military and Congress,” in *Inside Defense: Understanding the U.S. Military in the 21<sup>st</sup> Century*, ed. Derek S. Reveron and Judith Hicks Stiehm (New York: St. Martin’s, 2008), 92–93.

<sup>22</sup> William W. Kauffman, “Foreword,” in *National Security and U.S. Constitution: The Impact of the Political System*, ed. George C. Edwards III and Wallace Earl Walker (Baltimore: The John Hopkins University Press, 1988), vii.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid., ix.

<sup>25</sup> Ibid., 93.

of troops needed to win the war in Iraq, which was different from Secretary of Defense Donald Rumsfeld's opinion and led to Shinseki's early announcement of retirement.<sup>26</sup> The mechanism of democratic civilian control in United States are more likely to make the military work under two different leaders: the executive and the legislative.<sup>27</sup> For this reason, defense effectiveness requires an extraordinary understanding between the leaders in the executive branch and the Congress. The divided civilian of the U.S. defense services expands the circle of those seeking reform to correct perceived problems. It also allows military and intelligence officials to seek allies in the executive and legislative branches to pursue particular their parochial prerogatives.

The civilian reformers and the military may not share fundamental values. Paul Gronke and Peter D. Feaver argue that elite military officers think that civilian society in United States is troubled and needs to accept military values to be fixed, and the civilian elites believe that traditional military culture is not important, especially in the values of liberal Americans.<sup>28</sup> These differences appeared starkly in the effort of President Bill Clinton's administration sought to force the military to accept homosexuals in the armed forces. In 1993, the effort faced strong disagreement from General Colin Powell, the Chief of Joint Chiefs of Staff (CJCS), and almost all military leaders.<sup>29</sup> Eventually homosexual get accepted in the United States military, but such disagreement is an example of real factor in U.S. civil-military relations. It does not mean that national security in the United States is in jeopardy, but gaps between civil-military views in United States are real.

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<sup>26</sup> Morris, "The Military," 92–93.

<sup>27</sup> William Ruger, "Civilian Means of Control," in *Inside Defense: Understanding the U.S. Military in the 21<sup>st</sup> Century*, ed. Derek S. Reveron and Judith Hicks Stiehm (New York: St. Martin's, 2008), 184; Hobart B. Pillsbury, Jr. "Raising the Armed Forces," in *National Security and the U.S. Constitution: The Impact of the Political System*, ed. George C. Edwards III and Wallace Earl Walker (Baltimore: The John Hopkins University Press, 1988), 89.

<sup>28</sup> Paul Gronke and Peter D. Feaver, "Uncertain Confidence," in *Soldiers and Civilians: The Civil-Military Gap And American National Security*, ed. Peter D. Feaver and Richard H. Kohn (Cambridge, MA: MIT Press, 2001), 161.

<sup>29</sup> Russel F. Weigley, "The American Civil-Military Cultural Gap: A Historical Perspective, Colonial Times to the Present," in *Soldiers and Civilians: The Civil-Military Gap And American National Security*, ed. Peter D. Feaver and Richard H. Kohn (Cambridge, MA: MIT Press, 2001), 243.



Parallel to what Gronke and Feaver said about civil-military relations in United States, Elliot A. Cohen's view is that the U.S. military has certain expectations of the civilian leadership.

Those are, above all, that political leaders must immerse themselves in the conduct of war no less than they do in great projects of domestic legislation; that they master their military briefs as thoroughly as they do their civilian ones; that they must demand and expect from their military subordinates a candor as bruising as it is necessary; that both groups must expect a running conversation in which, although civilian opinion will not dictate, it must dominate; that that conversation will include not only ends and policies, but ways and means.<sup>30</sup>

In this view, because the U.S. defense sector has influence throughout the world, U.S. politicians not only need to know what they are doing in determining defense policy, but also realize the global impacts of their decisions. In addition, U.S. politicians should also consider the impact of defense policy on the society and the people working for defense sectors.

Given these different perspectives, Peter Feaver and Richard A. Kohn suggest three changes that need to be done to gradually reform United States civil-military relations: "increase military presence in civilian society, improve civilian understanding of military affairs, and strengthen civil-military instruction in professional military education."<sup>31</sup>

These changes, according to Andrew Bacevich and Richard Kohn, have not yet happened. They argue that the military's preference for massive forces in any U.S. involvement in war is an indication of military involvement in civilian political decisions.<sup>32</sup> Kohn elaborated on this phenomenon in arguing that,

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<sup>30</sup> Eliot A. Cohen, "The Unequal Dialogue: The Theory and Reality of Civil-Military Relations and the Use of Force," in *Soldiers and Civilians: The Civil-Military Gap and American National Security* ed. Peter D. Feaver and Richard H. Kohn (Cambridge, MA: MIT Press, 2001), 458.

<sup>31</sup> Peter D. Feaver and Richard H. Kohn, "Conclusion: The Gap and What It Means for American National Security," in *Soldiers and Civilians: The Civil-Military Gap and American National Security*, ed. Peter D. Feaver and Richard H. Kohn (Cambridge, MA: MIT Press, 2001), 469.

<sup>32</sup> Andrew Bacevich and Richard Kohn, "Grand Army of the Republicans," *The New Republic* 213, no. 23 (December 8, 1997), 22–25.

The U.S. military had become more alienated from its civilian leadership than at anytime in American history; there was a growing gap between U.S. military as an institution and civilian society at large; the U.S. military had become politicized and partisan; the U.S. military had become resistant to civilian oversight, as illustrated by the efforts to dictate when and under what circumstances it would be used to implement U.S. policy; officers had come to believe that they had the right to confront and resist civilian policy makers, to insist that civilian authorities heed their recommendations; and the U.S. military was becoming too influential in inappropriate areas of American Society.<sup>33</sup>

These facts, according to Owens, have led the U.S. military to become a semiautonomous institution that distances itself from the society it is supposed to serve and to which it should be accountable.<sup>34</sup> The U.S. Department of Defense (DOD) as a bureaucratic institution also was not without controversy. James G. Burton says:

During the 1980s, the American public gave the Pentagon not only an unprecedented amount of money, but also its trust that the military would spend the money wisely for a strong national defense ... by that time, I had been a witness to the moral and ethical corruption that was so commonplace at the senior level of both the military and civilian leadership.<sup>35</sup>

Burton gave some examples about the Pentagon's procurement process: "the almost daily revelation of horror stories about \$600 toilet seats and \$400 hammers, a steady stream of

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<sup>33</sup> Richard H. Kohn, "The Erosion of Civilian Control of the Military in the United States Today" *Naval War College Review* 55, no.3 (2002), 54–59, <https://usnwc.edu/getattachment/c280d26a-9d66-466a-809b-e0804cbc05f4/erosion-of-civilian-control-of-the-military-in-the.aspx>; Richard H. Kohn, "Out of Control: The Crisis in Civil-Military Relations," *National Interest*, no. 35 (Spring 1994), 15–16; See also, Russell Weigley, "The American Military and the Principal of Civilian Control from McClelland to Powell," *Journal of Military History* 57, no.5 (October 1993), 27, doi: 10.2307/2951800; Edward N. Luttwak, "Washington's Biggest Scandal," *Commentary* 97, no. 5 (May 1994), 29, <https://www.commentarymagazine.com/articles/washingtons-biggest-scandal/>; Charles J. Dunlap Jr., "The Origins of the Coup of 2012," *Parameters: U.S. Army War College Quarterly* 22, no. 4 (January 1992), 2, [http://strategicstudiesinstitute.army.mil/pubs/parameters/Articles/2010winter/Dunlap\\_Jr.pdf](http://strategicstudiesinstitute.army.mil/pubs/parameters/Articles/2010winter/Dunlap_Jr.pdf); Charles J. Dunlap Jr., "Welcome to the Junta: The Erosion of Civilian Control of the Military," *Wake Forest Law Review* 29, No.2 (Summer 1994), 392, [scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5204&context=faculty\\_scholarship](http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5204&context=faculty_scholarship); Gregory D. Foster, "Confronting the Crisis in Civil-Military Relations," *The Washington Quarterly*, 20, no. 4, (Autumn 1997), 31–33, doi:10.1080/01636609709550275; and Ole Holsti, "Of Chasms and Convergences: Attitudes and Beliefs of Civilians and Military Elites at the Starts of a New Millennium," in *Soldiers and Civilians: The Civil-Military Gap and American National Security*, ed. Peter Feaver and Richard H. Kohn (Cambridge: MIT Press, 2001), 95–99,

<sup>34</sup> Mackubin Thomas Owens, *U.S. Civil-Military Relations After 9/11: Renegotiating the Civil-Military Bargain* (London: The Continuum International Publishing Group, 2011), 4.

<sup>35</sup> James G. Burton Jr., *The Pentagon Wars* (Annapolis: Naval Institute Press, 1993), 7–8.

weapons systems either inadequately tested or purchased regardless of poor test results.”<sup>36</sup> Such mismanagement has prompted calls for greater military accountability to democratically elected leaders.

Thomas Bruneau and Cristina Matei argue, along with many proponents of U.S. defense reform, that “while democratic civilian control is not the issue in the United States ... the effectiveness of the security sector is recognized to be problematic by virtually all policy experts.”<sup>37</sup> Bruneau and Matei offer a conceptualization of civilian control over the military in terms of civilian authority over institutional control mechanisms, oversight, and the inculcation of professional norms; and the effectiveness and efficiency of the security forces itself under the control of a democratic government.<sup>38</sup> Bruneau’s and Matei’s conception not only provides a rigorous theoretical basis, but it also serves as a practical basis for examining the subject of civil-military relations reform. Proponents of defense reform include scholars, retired military officers, and civilian elites who consistently criticize the United States defense community in the hope that it will change for the better.<sup>39</sup> David C. Hendrikson argues, “The critique of the military reformers centers on alleged deficiencies in doctrine, organization, force structure, manpower policy, and weapons acquisition.”<sup>40</sup>

These problems generated calls for reform. The two most recent defense reform policies are the Goldwater-Nichols Reform Act of 1986 and the Intelligence Reform Act of 2004. The study of these two policies will be significant in seeing what has changed in how the military and civilians in the United States manage their differences.

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<sup>36</sup> Burton, *Pentagon Wars*, 7–8.

<sup>37</sup> Bruneau, *Patriot for Profit*, 77.

<sup>38</sup> Ibid., 30–41; Matei, “A New Conceptualization,” 29–35.

<sup>39</sup> Hendrikson, “Reforming Defense,” 3.

<sup>40</sup> David C. Hendrikson, *Reforming Defense: The State of American Civil-Military Relations* (Baltimore: The John Hopkins University Press, 1988), 1.

## 2. Reform of the Security Sector in Democracies

Defense reform can be viewed from different perspectives. Each nation-state with different security and strategic problems derived from geographical position, resources constraint, and possibility of conflicts, has its own way and purpose to reform its defense apparatus. The United States, which Samuel Finer categorizes as having a mature political culture, military interventions into civil society and civilian leadership are almost impossible.<sup>41</sup> Thus, defense reform does not have the risk of overt or armed military disagreement.

To support the ongoing process of defense reform in a democracy, Timothy Edmunds argues that, “Security sector reform at the political level addresses issues associated with the governance of security, and specifically the security sector.”<sup>42</sup> Moreover, the politicians engaging, in security sector reform, need to focus on:

The establishment and consolidation of mechanisms for civilian and democratic control over the security sector, including issues of oversights, transparency, and accountability ... [this] incorporates not just the instruments of security—the army, police, intelligence agencies, and so on—but also the wider institutional complex in which they sit, including the bureaucracies through which they are administered, the legislative framework through which they are regulated, and the mechanism through which they are overseen and held accountable.<sup>43</sup>

Mark Sedra offers four standards of reform for a civilian-controlled security sector: (1) development of a clear and effective institutional framework for providing integrated security policy that includes all the actors and focusing on the vulnerable, (2) increased civilian governance and oversight of security institutions, (3) development of capable and professional security instruments accountable to civil authorities and exposed to civil

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<sup>41</sup> Samuel E. Finer, *The Man On the Horseback*, 2nd ed. (Piscataway, NJ: Transaction Publishers, 2002), 86–9.

<sup>42</sup> Timothy Edmunds, “Security Sector Reform,” in *The Routledge Handbook of Civil-Military Relations* ed. Thomas C. Bruneau and Florina Cristiana Matei (New York: Routledge Taylor and Francis Group, 2015), 51.

<sup>43</sup> Ibid.

society, and (4) sustainable delivery of justice and security services.<sup>44</sup> These four standards capture the general problems that military and civilian leaders struggle to resolve in security institutions.

### 3. Defense Reform Effectiveness

According to Bruneau, when looking at defense reform in the United States, the purpose must not be in finding the problems in democratic civilian control, but in the effectiveness of the armed forces governed by the civilian authority.<sup>45</sup> Edward N. Luttwak agrees, stating, “It is not the efficiency of those forces that is being questioned, but rather their military effectiveness under the present strategic circumstances.”<sup>46</sup> As noted earlier, those advocating security reform in the United States, focus on: doctrine, especially the U.S. emphasis on an attrition style warfare; weapons traditionally procured by the services that do not work in combat and are expensive to maintain; operational concepts that are favored by the services that are badly mistaken; and personnel policies of the services that reflect internal convenience rather than strategic need.<sup>47</sup>

Deborah Avant offers another view regarding the relation between civil-military relations in strong democratic nation-states and military effectiveness. Avant argues that:

The rules within which political contenders compete for leadership and delegate tasks to military organizations affect the strategies that politicians employ to affect military behavior and also, over time, the professional strength of military organizations and their preferences as embodied in organizational culture or bias.<sup>48</sup>

Narrow political motivations from civilian political elites, in addition to the particular institutions that establish the ground rules of U.S. political competition and civilian

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<sup>44</sup> Mark Sedra, *The Future of Security Reform*, (Waterloo, ONT: CIGI, 2010). 35–6; *OECD/DAC Handbook on Security System Reform: Supporting Security and Justice*, (2007), available at [www.oecd.org/dataoecd/43/25/38406485.pdf](http://www.oecd.org/dataoecd/43/25/38406485.pdf), 21.

<sup>45</sup> *Ibid.*, 3.

<sup>46</sup> Edward N. Luttwak, “Effectiveness or Mere Efficiency: Some Reflections,” in *Critical Issues: Reforming the Military*, ed. Jeffrey G. Barlow (The Heritage Foundation, 1981), 2.

<sup>47</sup> Hendrickson, *Reforming Defense*, 1–2.

<sup>48</sup> Deborah Avant, “Political Institutions and Military Effectiveness: Contemporary United States and United Kingdom,” in *Creating Military Power: The Sources of Military Effectiveness*, ed. Risa A. Brooks and Elizabeth A. Stanley (Stanford, CA: Stanford University Press, 2007), 80.

leaders' interactions with the military, affect military effectiveness. Moreover, Avant adds: "U.S. institutions foster military organizations that emphasize skill and quality ... the United States risks spending too much and generating skills and doctrine not well suited to some strategic goals."<sup>49</sup> Avant suggests that the political institutional setting in the United States shifts military missions from protecting the nation to serving politicians' political ambitions and make the military ineffective in national defense.

Retired Vice Admiral Arthur K. Cebrowski has emphasized the need for an ongoing process of defense reform. "First and foremost," he argues, "transformation is a continuing process. It does not have an end point. Transformation anticipates and creates the future and deals with the co-evolution of concepts, processes, organizations, and technology."<sup>50</sup>

## **E. RESEARCH DESIGN**

This thesis evaluates the motivations for defense reform and their effectiveness through two case studies of defense reform in the United States. The thesis examines the backgrounds, process, implementation, and impact of the two most recent defense reform policies in the United States: the Goldwater-Nichols Act of 1986 and the Intelligence Reform and Terrorism Prevention Act 2004 to contribute to the discussion of civil-military relations and the effectiveness of the defense reforms in protecting the nation. This thesis treats the two defense policies as case studies to find out why the reforms were enacted, how they may have affected civilian control over the security sector and security effectiveness. This thesis examines official government documents, regulations and laws, public documents, scholarship, and other reputable sources in its analysis.

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<sup>49</sup> Avant, "Political Institutions and Military Effectiveness," 80.

<sup>50</sup> Arthur K. Cebrowski, *Military Transformation: A Strategic Approach*, (Washington, DC: Office of Force Transformation, The Pentagon, 2003), 8.

## II. THE GOLDWATER-NICHOLS ACT OF 1986

The 1986 Goldwater-Nichols Act is widely regarded as “the Senate Armed Services Committee’s most important legislative achievement during its first fifty years of operation.”<sup>51</sup> Sen. Sam Nunn stated that “passing the Goldwater-Nichols Act was one of the Congress’ finest hours in recent memory.”<sup>52</sup> Such testimony of a senior congressman marks the significance of the act. Not only that, his testimony suggests that there was more than one thing wrong in the DOD that needed to be changed.

The effectiveness of the United States military prior to 1986 was in question when a series of military failures caused by fierce inter service rivalry that has been going since World War II.<sup>53</sup> Consequently, defense sector effectiveness from civilian and military leaderships went awry. Narrow interests got in the way of civilian and military leaders in creating a more effective armed forces. Sharp interservice rivalries and military officials seeking political support in the legislature and executive branch surrounding the process to create an effective military institution made the military ineffective at its job.

The Goldwater-Nichols Act of 1986 shows that achieving military effectiveness requires a heavy and sustained push from lawmakers. National security interests overcame, to large extent, parochial interests of political and military leaders. The lawmakers displayed the power of democracy over the most powerful military in the world in this particular law. Impacts of the Goldwater-Nichols Act of 1986 resonate throughout the whole world, as even the strongest military on earth must abide by the power of democracy.

Although democratic civilian control is not a major issue in the United States, civil-military relations can still be contentions. The Goldwater-Nichols Act of 1986 exemplifies how congressional power can dictate the reform of defense institutions. Yet,

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<sup>51</sup> Locher, *Victory on the Potomac*, xi-xii.

<sup>52</sup> Ibid.

<sup>53</sup> James R. Locher III, “Has It Worked?: The Goldwater-Nichols Reorganization Act,” *Naval War College Review* 54, no. 4 (Autumn 2001), 97, <https://www.usnwc.edu/getattachment/744b0f7d-4a3f-4473-8a27-c5b444c2ea27/Has-It-Worked--The-Goldwater-Nichols-Reorganizatio>.

the enactment process of the Goldwater-Nichols Act also displayed how the military tried to persuade the civilians to reach a decision in its favor.<sup>54</sup> The decision of Congress to enact the act despite efforts of the military to manipulate divisions among civilian authorities to block, demonstrates the strength of democracy in furthering national, rather than narrow, interests.

Civilians and military have different ways of looking at each other. The military has special expertise that most civilians hardly understand as non-practitioners. Civilians look at the military as an entity of the government, and subject to civilian control. The military undervalues the opinions of non-practitioner civilians in terms of military operational and organizational concerns. These differences can create not only tensions, but military ineffectiveness.

This chapter will investigate the cause, process, result, and implementation of the Goldwater-Nichols Act of 1986. The cause section covers military ineffectiveness, which led to several military failures. The process section investigates the disagreement between those who agreed and disagreed with military reform. The results section discusses the passage's impact, and lastly, the implementation section will discuss how the passage changed the military as a defense institution.

#### **A. CAUSES OF REFORM: MILITARY INEFFECTIVENESS AND INEFFICIENCY**

After several operational failures by United States Armed Forces ranging from the Bay of Pigs invasion in 1961 to the U.S. invasion of Grenada in 1983, Congress gave serious thought to reforming the United States defense institutions.<sup>55</sup> Two factors prompted calls for reform of the military that ultimately led to the passage of the Goldwater-Nichols Act. First, U.S. military adventures around the world during the Cold War had worried civilians about military effectiveness, in large measure due to fierce inter-service rivalries. Several high profile events, depicted in Figure 1, caused lawmakers concern over the U.S. military's ability to meet its missions: the Vietnam

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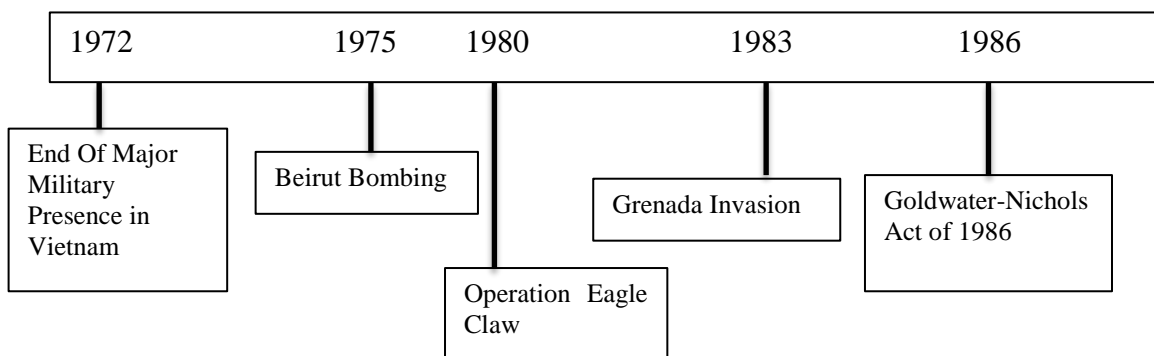
<sup>54</sup> Deborah Avant, "Conflicting Indicators of 'Crisis' in American Civil-Military Relations," *Armed Forces & Society* 24, no. 3, Spring 1998, doi: 10.1177/0095327X9802400303, 375–8.

<sup>55</sup> Bruneau, *Patriots For Profit*, 83.



War, the Beirut bombings, the Grenada invasion, and the Iranian hostage rescue attempt, code-named operation Eagle Claw. Second, and related, mismanagement of the Pentagon budget and budgetary turf wars among the services caused concerns about whether the Department of Defense and the Services were reliable guardians and efficient spenders of taxpayer dollars. Despite these failings that suggested that the Department of Defense needed change, several strongholds against the reform appeared in the White House, the office of the Secretary of Defense, and the Services, including the Marines Corps.<sup>56</sup> The battle of ideas, lobbies, political will, and values of the military and civilians lasted for almost four years. This section will deal with these failings turn.

Figure 1. Military Failures Leading to the Goldwater-Nichols Act of 1986



Adapted from Charles Nemfakos et al., *The Perfect Storm: The Goldwater-Nichols Act and its Effect on Navy Acquisition* (Santa Monica, CA: RAND, 2010), 6.

## 1. Vietnam War

The war in Vietnam left uneasiness in the minds of political elites about the U.S. Armed Forces' effectiveness. Much of this unease arose from their recognition of unhealthy inter-service rivalry that impeded military effectiveness and efficiency. Ian Hardwood argues that rivalry between the services during the Vietnam War was closely related to competition over greater budget resources.<sup>57</sup> Each of the services wanted to

<sup>56</sup> Bruneau, *Patriots for Profit*, 85. Based on Thomas Bruneau interview with Arch Barret in Austin, Texas, December 8 and 9, 2008.

<sup>57</sup> Ian Hardwood, *Interservice Rivalry and Airpower in the Vietnam War* (Fort Leavenworth, Kansas: Combat Studies Institute Press), 2.

develop and purchase its own air power ability. While Hardwood notes that the United States Air Force successfully settled a dispute about air power assets between the Army and the Navy, each service and the Air Force continue to have air assets.<sup>58</sup>

The disastrous outcome of the Vietnam War created dissatisfaction with the U.S. representatives in Congress.<sup>59</sup> Congressional concerns regarding the military included: unclear objectives, failure to counter insurgency, incorrect assessment of North Vietnamese fighting capabilities, lack of leadership inside the military, and ineffectiveness due to the parochial culture of the military.<sup>60</sup> Service rivalries added to operational failures in Vietnam to demonstrate the inabilities of the United States fighting forces to fight and win. Civilians, largely in the Congress, viewed the military as an ineffective institution; hence, they sought to fix it.

## **2. Iranian Hostage Rescue Operation**

Operation Eagle Claw became a bitter lesson of failure for the United States Armed Forces. The operation was meant to rescue the U.S. hostages held in Iran. The operation was extremely complex and highly risky, involving coordinating among three commanders and the joint commander two separate sets of aircraft and ground forces at two staging areas within Iran without detection and a ground assault on the U.S. Embassy. The incident became famous as an example of the failures that arose from each service seeking a “piece of the action.” The operation, instead of rescuing fifty-three American hostages in Iran, resulted in the fatalities of eight operatives, the destruction of a C-130 airplane and a RH-53Ds helicopter, and serious injury to several more operatives.<sup>61</sup> Commanders on the ground aborted the mission when only five of eight helicopters were able to make it to the staging area. As Charles Kamps writes,

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<sup>58</sup> Hardwood, *Interservice Rivalry*, 1.

<sup>59</sup> Charles Nemfakos, Irv Blickstein, Aine Seitz McCarthy, Jerry M. Sollinger, *The Perfect Storm: The Goldwater-Nichols Act and Its Effect on Navy Acquisition*, (Santa Monica: RAND, 2010), 6.

<sup>60</sup> Jeffrey Record, *The Wrong War: Why We Lost In Vietnam* (Annapolis, Maryland: Naval Institute Press, 1998); Herbert R. McMaster, *Dereliction Of Duty: Lyndon Johnson, Robert McNamara, the Joint Chief of Staff, and the Lies That Led to Vietnam* (New York: Harper-Collins, 1997).

<sup>61</sup> Richard A. Radvanyi, “Operation Eagle Claw-Lessons Learned” (Master’s thesis Marine Corps Command and Staff College, 2002) 1, DTIC Online Access Number (ADA402471).

The brave men who attempted to rescue American hostages in Iran in April of 1980 unfortunately became a disastrous reminder of the need for unity of command, joint training, and good communications, and the dangers of overly complex and needlessly compartmented planning. The failure of their mission, Operation Eagle Claw, would be a prime motivator in the subsequent formation of U.S. Special Operations Command.<sup>62</sup>

Losing the lives of the dedicated and courageous personnel led the United States to realize the loss of international prestige, and the pride and the confidence of its people in the Armed Forces.<sup>63</sup>

The failure of the mission raised many questions, particularly: Why did the mission fail?<sup>64</sup> To answer this, six well-known retired and active-duty generals and flag officers were appointed by the Joint Chiefs of Staff to analyze the mission and to produce a report of the failures and recommendations.<sup>65</sup> Former Chief of Naval Operations General James L. Holloway led this distinguished Special Operations Review Group. The panel's summary of the mission command and control stated, "Command and control was excellent at the upper echelons, but became more tenuous and fragile at intermediate levels. Command relationships below the commander, Joint Task Force, were not clearly emphasized in some cases and were susceptible to misunderstanding under pressure."<sup>66</sup> Two great flaws were identified: too much concern over operational security led to compartmentalization of information and an ad hoc approach to the organization of command and control and operational planning. In particular, two, rather than one, commanders were assigned for the two separate airwings.<sup>67</sup> In sum, the United States

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<sup>62</sup> Charles Tustin Kamps, "Operation Eagle Claw: The Iran Hostage Rescue Mission," *Air & Space Power Journal* (September 2006), 3, <http://www.airpower.maxwell.af.mil/apjinternational/apjs/2006/3tri06/kampseng.html>.

<sup>63</sup> William G. Boykin, "Special Operations and Low- Intensity Conflict Legislation: Why Was it Passed and Have the Voids Been Filled" (Study report, Army War College, April, 12, 1991), 1, DTIC Online Access Number (ADA235154).

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Statement of Admiral J.L. Holloway, III, USN (Ret.) Chairman, Special Operations Review Group, (August, 1980): 3, DITC Online Access Number (ADA332008).

<sup>67</sup> John E. Valliere, "Disaster at Desert One: Catalyst for Change," *Parameters* (Autumn 2002), 69–82, <http://strategicstudiesinstitute.army.mil/pubs/parameters/Articles/1992/1992%20valliere.pdf>

military was ineffective in using its mammoth resources to maximize the likelihood of achieving results. The lack of jointness due to interservice parochialism jeopardized the mission. Instead of saving the hostages, the mission resulted in chaotic displays of interservice cooperation.

### **3. Beirut Bombing**

The Beirut bombing happened in the heat of the discussion of the Goldwater-Nichols Act. This tragedy occurred on October 23, 1983 when a bomb exploded in the headquarters of the Marine Corps Landing Battalion in Beirut, Lebanon. The explosion killed and wounded several hundred marines, sailors, and soldiers.<sup>68</sup> The large-scale hit shocked the United States as a whole. President Ronald Reagan immediately formed a commission led by retired Admiral Robert L.J. Long to investigate the unfortunate event.<sup>69</sup> The Commission found that the military, especially its leadership, was not ready to encounter a complex mission environment such as in Beirut.<sup>70</sup> Another military disaster became the reason for the civilians, in this case the Congress, to be highly concerned about the performance of the nation's military.

### **4. Grenada Invasion**

The United States claimed the invasion of Grenada as a successful military campaign. In Mark Adkin's words, nonetheless, the war was a "sledgehammer" against a "nutmeg" war, which meant the defense power in Grenada outmatched by United States military power.<sup>71</sup> Regardless of the political correctness and issues surrounding this war, the United States military had proven that they were ineffective in achieving victory against a "nutmeg." The ineffectiveness appeared when four Navy SEALs died on a reconnaissance mission after jumping out of an Air Force plane; the Army on the ground

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<sup>68</sup> Eric Hammel, *The Root: The Marines in Beirut, August 1982-February 1984* (San Diego, CA: Harcourt Brace Jovanovich, 1985), xxii.

<sup>69</sup> Government Printing Office, *DOD Report on Beirut Bombings*, 2, <https://fas.org/irp/threat/beirut-1983.pdf>.

<sup>70</sup> Government Printing Office, *DOD Report on Beirut Bombings*, 2, <https://fas.org/irp/threat/beirut-1983.pdf>, 134-141.

<sup>71</sup> Mark Adkin, *Urgent Fury: The Battle for Grenada* (Lexington, Massachusetts: Lexington Books, 1989), xv.

could not communicate with the Navy providing fire support on the ships because their communication systems were incompatible; the Navy refused to refuel an Army helicopter that accidentally landed on their ship; a Marine pilot refused to fly Army Rangers using Marine helicopters; a Navy airstrike hit an Army unit and wounded sixteen Army Rangers and killed one.<sup>72</sup> The lack of cooperation and coordination between services were worrisome.

Again, the same problems of inter-service interoperability from the latest failures arose as follows: an inadequate communication system, a lack of leadership, and poor planning.<sup>73</sup> The repeated mistakes made the civilians, in this case the Congress, conclude that the military needed a serious push to reform itself.

## **5. Pentagon Mismanagement**

The second defense issue that became a concern for lawmakers was budget management in the Pentagon. Although this thesis does not focus on budget management, such mismanagement by the United States Department of Defense must be mentioned. Zegart argues that the reports regarding the defense budget during the period of attempted reformation under Reagan administration were devastating.<sup>74</sup> For example, the Pentagon paid \$110 for \$0.04 diode, and the Pentagon wasted \$9,000 for an ordinary wrench.<sup>75</sup>

Mismanagement in the Pentagon also worried some top administration officials. David A. Stockman, the director of the Office of Management and Budget under President Reagan, referred to the Pentagon as a “swamp” of waste and “contracting idiocy,” that wasted around thirty billion dollars per year of tax-payer money.<sup>76</sup> Fixing

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<sup>72</sup> Phil Kukielski, “How Grenada Reshaped the US Military,” *Boston Globe*, September 8, 2013, <https://www.bostonglobe.com/ideas/2013/09/08/how-grenada-reshaped-military/IZDvWwt9Ed1chAJufkrvJ/story.html>.

<sup>73</sup> Stephen E. Anno and William E. Einspahr, “The Grenada Invasion,” in *Command and Control Lesson Learned: Iranian Rescue, Falklands Conflict, Grenada Invasion, Libya Raid*, ed. Stephen E. Anno and William E. Einspahr (Maxwell Air Force Base, Alabama: Air University Press, 1988).

<sup>74</sup> Amy B. Zegart, *Flawed By Design: The Evolution of the CIA, JCS, and NSC* (Stanford: Stanford University Press, 1999), 143.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

the Pentagon, in his view, would save at least fifteen billion dollars per year.<sup>77</sup> Military failures, mostly due to lack of jointness, combined with bad management in spending in the Pentagon became two of many serious issues of ineffectiveness that concentrated lawmakers' attention on United States security matters. The military as the expert in violence lost its legitimacy when the effectiveness of the military in all of the operations mentioned above proved to be the contrary. The mismanagement of the budget put an extra weight on military effectiveness as well. Hence, these two causes of ineffectiveness created pressure for reform of the defense agencies.

After these series of operational failures and findings of mismanagement, the military and Congress began the "battle" to reform the United States military.<sup>78</sup> The use of the word battle for the Congress to reform the military institution in a democratic nation, in which the military is fully responsible to civilian rulers, is remarkable. Congress encountered stiff resistance from the Presidential administration, supported by most of active high-ranking generals. Tension among the civilian leadership and resistance from parts of the military made the discussion over whether pass the law politically heated. According to Locher, it was a battle worth fighting.<sup>79</sup>

## **B. PROCESS**

Proponents of reform within the military initiated the process of the enacting the Goldwater-Nichols Act. Senator Nunn states that the efforts to reform the Department of Defense started with the testimony of U.S. Air Force General David Jones in his appeal to the House of Armed Service Committee for reform of the joint system.<sup>80</sup> On February 3, 1982, General David Jones, the Chairman of the Joint Chiefs of Staff (CJCS), turned a scheduled "usual" testimony about the DOD initial budget in front of the House of Armed Services Committee (HASC) into a personal confession about how badly the United States military needed to be reformed, especially the Joint Chief of Staff (JCS)

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<sup>77</sup> Zegart, *Flawed By Design*, 143.

<sup>78</sup> Locher, *Victory on the Potomac*, 399.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid., xi.

functions.<sup>81</sup> The Defense Secretary Caspar Weinberger was uncomfortable with Jones's unscheduled mission to reform the defense sector.<sup>82</sup> A month later, the administration announced Jones's replacement for his job.<sup>83</sup> Nevertheless, the process of the United States defense reform was started. Later on, in the heat of the enactment, all active duty generals supported the administration's side in disagreeing with the proposed law.

The military reformation driven by Congress faced strong challenges from the administration. Not only did many in the military resist reform, but also the civilians leading the military rejected it, including the President and the Secretary of Defense.<sup>84</sup> It is unsurprising that loyal military leaders would support their civilian leaders, especially the one that appointed them. Military reluctance to support reform may also have increased after General Jones' dismissal. The military leadership joined their civilian authorities' position in challenging the reform at different levels of agreement, or disagreement.<sup>85</sup> Some of the generals that agreed about the need to reform the military, like Generals Jones and Meyer, but it was not their place to differ from the administration or the Commander in Chief. General Jones and Meyer had nothing to lose, given that they were at the end of their careers. Even though they got fired, they had already attained the highest military possible rank in the United States.

The reform did not happen easily. The term "battle" used by one of the influential actors in the reformation process was not an exaggeration of it. It took almost four years and the military failures in Beirut and Grenada that cost the lives of American soldiers to get the reform moving. Notably, this effort happened in an era when the President proposed increasing the budget for the defense sector.<sup>86</sup> Since military effectiveness became an issue in Congress, the proposed increased budget was at stake.<sup>87</sup> The

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<sup>81</sup> Locher, *Victory on the Potomac*, 33–40.

<sup>82</sup> Ibid., 36.

<sup>83</sup> Ibid., 63–5.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid., 1–12.

<sup>86</sup> Bruneau, *Patriots for Profit*, 82.

<sup>87</sup> Ibid., 82.

effectiveness of the military was a lower priority for the administration, than its budgetary priorities.

General Jones went all out for reforming the structure of the Joint Chiefs of Staff. In 1981, he built a Chairman's special study group to investigate the reform possibility of the JCS.<sup>88</sup> General Jones personally made sure that the result would be free from the influences of the services.<sup>89</sup> Not only that, General Jones released a publication about the defection in the military top brass organization without consulting the other chiefs or the Secretary of Defense.<sup>90</sup> He published an article, "Why The Joint Chiefs of Staff Must Change," in the March 1982 edition of *Armed Forces Journal International*.<sup>91</sup> General Jones criticized the Joint Chiefs of Staff (JCS), which he led, by addressing the fierce service parochialism inside in the organization and the unpreparedness of all the personnel who served in the JCS, including the leadership.<sup>92</sup> General Jones proposed change in three areas: "strengthen the role of the chairman; limit service staff involvement in the joint process; and broaden the training, experience, and rewards for joint duty."<sup>93</sup> Military effectiveness eventually became a big issue in Washington with General Jones' moves to push reform in the military organization.

The Army Chief of Staff, General Edward Meyer, also supported General Jones' crusade, even though they had different approaches and opinions about the problem. General Meyer published an article supporting reform in the same journal as General Jones, almost at the same time.<sup>94</sup> He proposed changing the decision-making process in regards to nuclear and conventional warfare, ending the acute parochialism in the military, and replacing the JCS with what he called the National Military Advisory

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<sup>88</sup> Gordon Nathaniel Lederman, *Reorganizing the Joint Chiefs of Staff: The Goldwater-Nichols Act of 1986* (London: Greenwood Press, 1999), 52.

<sup>89</sup> James Kitfield, *Prodigal Soldiers: How the Generation of Officers Born of Vietnam Revolutionized the American Style of War* (New York: Simon & Schuster, 1995), 227.

<sup>90</sup> Lederman, *Reorganizing the Joint Chiefs of Staff*, 52.

<sup>91</sup> Ibid.

<sup>92</sup> David C. Jones, "Why the Joint Chiefs of Staff Must Change," *Presidential Studies Quarterly* Vol. 12, No. 2 (Spring 1982), 144–6.

<sup>93</sup> Lederman, *Reorganizing the Joint Chiefs of Staff*, 147–9.

<sup>94</sup> Ibid., 53–4.



Council.<sup>95</sup> Meyer suggested a new set of organizations to replace the JCS, which was unlikely to happen. Nonetheless, these two generals demonstrated bravery in admitting their organization's defects, even though it was at the end of their military careers, after they had reached the peak of the military they were criticizing.

These two notable generals were supported by pro-military reform Congressmen; finally, with the help of "the political stars that aligned in the right place,"<sup>96</sup> the Congressmen took the lead in the effort of reform. When General Jones testified on the need for reform in the Congress, his testimony captivated one of the HASC staffers, Archie D. Barrett.<sup>97</sup> The HASC members originally resisted hearing Jones' testimony, but Barrett persuaded the HASC to start the new bill to reform the defense organization.<sup>98</sup> Representative Richard White (D-Texas), Barrett's boss, followed up on his advice and introduced a "modest" bill coded H.R. 6954 to the House floor without widespread support, but enough to pass the house.<sup>99</sup>

After passing the House, Senator John Tower (R-Texas), persuaded by Rep. White and Senator Sam Nunn (D-Georgia), reluctantly introduced the bill to the Senate floor at the end of 1982, when the Congress was ready for recess.<sup>100</sup> He was hoping that H.R. 6954 would escape the floor's attention, since Tower was a Republican, and a Republican held the White House. H.R. 6954 did not pass the Senate because it was too "modest" for a reform, and the testimony from the defense secretary and the services chiefs convinced the Senate Armed Service Committee (SASC) that the bill was not worth being passed.<sup>101</sup> Even Jones, the general who started the reorganization movement, was against it.<sup>102</sup> The difference among the supporters of the reorganization was that the

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<sup>95</sup> Edward C. Meyer, "The CJS-How Much Reform Is Needed?" in *Armed Forces Journal International* (April 1982), 82-90.

<sup>96</sup> Zegart, *Flawed By Design*, 147.

<sup>97</sup> Locher, *Victory on the Potomac*, 59-61.

<sup>98</sup> *Ibid.*, 59-60.

<sup>99</sup> *Ibid.*, 79-81.

<sup>100</sup> *Ibid.*, 83.

<sup>101</sup> *Ibid.*, 90-2.

<sup>102</sup> *Ibid.*, 92.

bill would not really change anything, and the non-supporters challenged anything related to reform.

Representative Bill Nichols (D-Alabama) assumed the chairman position of the Investigations Subcommittee of the HASC and continued White's legacy in supporting the defense reorganization bill. At first, Nichols was reluctant to fight for this issue because he thought this idea originally belonged to White.<sup>103</sup> Nonetheless, the HASC staffer, Barrett, advised Nichols to put the reorganization on his agenda and Nichols agreed.<sup>104</sup> During Nichols' new term, positive letters passed between him and Secretary Weinberger about the reorganization bill; the administration was preparing its own legislative proposal for military reorganization.<sup>105</sup> On April 14, 1983, Representative Ike Skelton (D-Missouri), initiated an early start for reforming the military without consulting Nichols and Weinberger.<sup>106</sup> Skelton introduced the Military and Command Reorganization Act coded H.R. 2560 based on the suggestion of General Maxwell Taylor, which more or less matched General Meyer's ideas.<sup>107</sup> The pro-reformers disagreed with General Meyer's idea because, according to Barrett, they argued it would make the JCS worse rather than better.<sup>108</sup>

On April 18, 1983, the effort to push the agenda, however, faced a competing reorganization bill to the HASC initiated by the Reagan administration, H.R. 3145.<sup>109</sup> This bill mirrored H.R. 6954 that placed the JCS in the chain of command of the military.<sup>110</sup> This bill would also increase peacetime tours for the members of JCS, and erase personnel quotas for JCS's staffers.<sup>111</sup> According to Locher, this bill would not

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<sup>103</sup> Locher, *Victory on the Potomac*, 94.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid., 94-7.

<sup>106</sup> Ibid., 97

<sup>107</sup> Ibid., 97-8.

<sup>108</sup> Ibid., 98.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

strengthen the JCS position.<sup>112</sup> Also, this bill showed that the DOD confused its own terms of the chain of command.<sup>113</sup> The bill's actual language suggested that the JCS would act as a link and communicator between the Secretary of Defense and the Combatant Commanders, which would actually place the JCS outside the chain of command.<sup>114</sup> Reformers argued that this particular proposed bill was actually only a cover-up bill to keep the reorganization inside the Pentagon.<sup>115</sup>

The new generals appointed to the JCS testified in a series of hearings at the house that they fully supported the administration's proposed bill, which met with some disagreements from the pro reformers, Generals Meyer and Taylor. The HASC agreed to H.R. 3145 with some amendments to the bill and gave it a new code H.R. 3718.<sup>116</sup> The changes to H.R. 3145 made by Nichols and Barrett faced formal challenges from the Department of Defense. Nonetheless, the House still passed the bill to the Senate by unanimous decision on October 17, 1983.<sup>117</sup> The bill's fate now rested in Tower's hands as the chairman of the SASC.

Two personal objectives influenced Tower's willingness to bring up the bill in the Senate. He reportedly wanted to be Secretary of Defense and the current Secretary, Weinberger, had won the nomination over him previously.<sup>118</sup> The bill was a perfect political way for Tower to show the White House that it had chosen the wrong secretary and should promote him for the position.<sup>119</sup> He sought to cautiously undermine Weinberger as incapable of the top Pentagon position while maintaining the President's and Republican Party's legitimacy, at least until after the November 1984 election.<sup>120</sup> The main idea was to make Weinberger look incompetent and the administration look

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<sup>112</sup> Locher, *Victory on the Potomac*, 98.

<sup>113</sup> *Ibid.*, 98–9

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*, 99.

<sup>116</sup> *Ibid.*, 110.

<sup>117</sup> *Ibid.*, 111.

<sup>118</sup> *Ibid.*, 113.

<sup>119</sup> *Ibid.*, 113–4.

<sup>120</sup> *Ibid.*, 113–38.

clean.<sup>121</sup> Added to his planned role in driving the defense reorganization in the Senate to his advantage, Tower would appear as the right person to lead the DOD in the new administration, on the assumption that a Republican would occupy the White House after the November election.<sup>122</sup> Nonetheless, his indecisiveness in the hearings added inconsistency to the defense reorganization legislative process in the Senate.<sup>123</sup> In 1989, President George W. Bush finally nominated him for Secretary of Defense, but the Senate rejected his nomination over personality concerns.<sup>124</sup>

The legislative process gained momentum with the Beirut bombing, when Tower retired from the Senate, and when Pentagon mismanagement of its budget became a public issue.<sup>125</sup> The Beirut incident pushed the Congressmen who were invested in the defense reorganization act to push the bill even harder, especially Congressman Nichols.<sup>126</sup> The official report of the Beirut incident released by the government, the Long Commission Report, blamed the commanders in the field, which more or less ended two Marine colonels' careers.<sup>127</sup> President Reagan assumed full responsibility for the incident by releasing a statement to the press the night before the official report was released.<sup>128</sup> He also let the Marine Corps Commandant, General Paul X. Kelley, refuse full responsibility in front of the Congressional hearings. The Senate viewed these presidential acts as undermining the U.S. military justice system.<sup>129</sup> On that account, the Congressmen decided to push forward with the military reorganization bill. On January 1985, Senator Barry Goldwater (R-Arizona) took over the chair of the Armed Service Committee and started the "battle" with the reorganization opponents. Republicans

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<sup>121</sup> Locher, *Victory on the Potomac*, 119–38.

<sup>122</sup> Ibid., 120–38.

<sup>123</sup> Ibid., 138.

<sup>124</sup> Ibid., 193.

<sup>125</sup> Ibid., 139–63.

<sup>126</sup> Ibid., 162–3.

<sup>127</sup> Ibid., 162–3.

<sup>128</sup> Ibid., 163.

<sup>129</sup> Ibid.

gained the majority in the Senate after the 1984 elections. Soon after, Senator Goldwater made the defense reorganization legislation as his top priority.

Nonetheless, the Secretary of Defense, the Secretaries of the Army, Navy, and Air Force, as well as the chairman of the JCS, thought that reorganization of the United States military was unnecessary, and if there were anything requiring change, it should be from within the DOD.<sup>130</sup> Weinberger, as the leader in the resistance against reorganization led by Congress, gathered full support from the president.<sup>131</sup> Many people argued, civilian and military, that Weinberger was not the right man for the job.<sup>132</sup> He was looking at the reorganization issue as a Congressional effort to cut the defense budget, in opposition to the president's agenda for increasing the budget.<sup>133</sup> Instead, to fix the military problems, Weinberger argued the Pentagon needed more money.<sup>134</sup> Consequently, with all the current JCS and service secretaries rallying behind Weinberger, they were actively lobbying Goldwater to act in their favor.<sup>135</sup>

For the administration, the military reorganization in the form of legislation would provide more political risks and less benefit to the administration. At the least, the president would have to invest political capital, energy, and time in the reform.<sup>136</sup> Importantly, the reorganization might show deficiencies in the administration, which would have a politically negative impact to the administration in the election year.<sup>137</sup> The risk of losing support from the military by supporting the defense reform was too great for the president to take. Moreover, the president would likely lose leverage in achieving his political agenda and importantly, GOP electoral chances in the future.<sup>138</sup> Hence, in

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<sup>130</sup> Locher, *Victory on the Potomac*, 251.

<sup>131</sup> Ibid.

<sup>132</sup> Ibid., 235–51.

<sup>133</sup> Ibid., 243–4.

<sup>134</sup> Ibid., 243.

<sup>135</sup> Ibid., 213–4.

<sup>136</sup> Zegart, *Flawed By Design*, 151.

<sup>137</sup> Locher, *Victory on the Potomac*, 282.

<sup>138</sup> Zegart, *Flawed By Design*, 152.

this particular case, even though all the indications showed that President Reagan supported the non-reformers, he never publicly announced his position.

The bureaucrats, civilians, and the military in the Pentagon would also lose great power in the reorganization.<sup>139</sup> The civilians in the Pentagon would lose control if the service rivalries were abolished and the military officials united.<sup>140</sup> They would lose the chance to point fingers and divide the military when something went wrong.<sup>141</sup> Military officials would risk their traditional roles in exercising parochialism with an effective JCS set up by the reformers.<sup>142</sup> Changing the JCS would also risk the arrangements between services, especially on the budget, that already were in place.<sup>143</sup> These reasons motivated the heart of the administration to fight the reorganization legislation in any way possible.

Several political efforts by the anti-reformers stood out on Capitol Hill that temporarily led Goldwater to resign as co-chair of the defense reorganization bill task force.<sup>144</sup> In addition to providing staff studies and dissenting opinions in hearings against defense reorganization legislation, his anti-reform Republican colleagues informed him that his co-chair in the bill's task force, Senator Sam Nunn (D-Georgia), tried to make the defense reorganization effort a partisan issue to undermine the president and Weinberger.<sup>145</sup> Goldwater then stepped down and appointed Senator Phil Gramm (R-Texas), a known associate of the Secretary of Navy, John Lehman, to take over his position in the reorganization task force.<sup>146</sup> A Goldwater staffer, James Locher III,

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<sup>139</sup> Zegart, *Flawed by Design*, 152.

<sup>140</sup> Ibid.

<sup>141</sup> Samuel P. Huntington, *Common Defense: Strategic Programs in National Politics* (New York: Columbia University Press, 1961), 380.

<sup>142</sup> Vincent Davis, "The Evolution of Central U.S. Defense Management," in *Reorganizing America's Defense: Leadership in War and Peace*, ed. Robert J. Art, Vincent Davis, and Samuel P. Huntington (Washington, DC: Pergamon-Brassey's, 1985), 159.

<sup>143</sup> Zegart, *Flawed By Design*, 153–5.

<sup>144</sup> Locher, *Victory on the Potomac*, 227–8.

<sup>145</sup> Ibid.

<sup>146</sup> Ibid. 227.

convinced Goldwater that the issue was being brought up to demolish the reorganization effort, and Goldwater resumed his seat.<sup>147</sup>

Another attempt to break up the bipartisan task force was made by one of Goldwater's staff, James McGovern. Goldwater unwittingly signed his own letter of resignation from the task force and appointed Gramm again as his replacement without his knowledge.<sup>148</sup> McGovern asked Goldwater to sign a bundle of insignificant administration letters, and Goldwater's clerk found Gramm's appointment letter in the midst of them.<sup>149</sup> Goldwater eventually found out about it, but he did not significantly punish his staff. (Later, in September 1986, President Reagan would appoint McGovern as the U.S. Under Secretary of the Air Force.) The anti-reformers had tried to do everything possible to sabotage the effort of defense reform, but bipartisanship between the two majority and minority leaders in the Senate, Goldwater and Nunn, ensured of the enactment of the Goldwater-Nichol Act of 1986.

In May 1984, Tower urged the President's security adviser, Bud McFarlane, to initiate an administration's study to reorganize the Department of Defense. The purpose of the study was to ease congressional concerns about defense issues and persuade the Congress to let the administration reorganize the military in its own way.<sup>150</sup> When Pentagon mismanagement became a serious issue to the public in early 1985, the President, with the advice from McFarlane that was not in line with Weinberger's, announced the Packard commission.<sup>151</sup> While the media and several Congressmen hesitated over the objectivity of this commission and thought it was a public relations move from the White House, the SASC under Goldwater already had good relations with the commission chairman, David Packard and they reached an understanding to support

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<sup>147</sup> Locher, *Victory on the Potomac*, 229.

<sup>148</sup> *Ibid.*, 230.

<sup>149</sup> *Ibid.*, 229–30.

<sup>150</sup> John Tower, *Consequences: A Personal and Political Memoir* (Boston: Little, Brown, 1991), 247–8.

<sup>151</sup> Locher, *Victory on the Potomac*, 277–96.

each other in fixing the Pentagon.<sup>152</sup>After a huge number of hearings, meetings, and heated discussions, the Senate voted for bill S. 2295 with ninety-five votes to none.<sup>153</sup>

Soon after, the House passed their reorganization bill by 406 to 4 votes.<sup>154</sup> The military reorganization in the House's bill mandated more significant reform than the Senate's bill.<sup>155</sup> The House and Senate held a conference to collaborate on both bills, and according to Gordon Lederman, it represented the lowest point of congressional-military relations in the reorganization process.<sup>156</sup> In one of many heated meetings between the JCS and HASC, the Chief of Naval Operations, Admiral James D. Watkins, called the House's bill "un-American."<sup>157</sup> The services looked at the House bill as too extreme in reorganizing the military and strongly objected to the integration of both bills.<sup>158</sup> Regardless, the bipartisan bill named the Goldwater-Nichols Department of Defense Reorganization Act of 1986 passed Congress in mid-September 1986 and was signed by the president at October 1, 1986.<sup>159</sup>

### C. RESULT

The Goldwater-Nichols Act, according to the Congress, had eight purposes: reforming the Department of Defense and strengthening civilian control over the military, enhancing military advice to civilians, creating a clear responsibility of the Combatant Commanders (CCDR) to execute their missions, strengthening CCDR's authority over the soldiers at their disposal, expanding a focus on strategy and contingency planning, motivating efficient use of defense resources, improving officer management to enhance

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<sup>152</sup> Locher, *Victory on the Potomac*, 286–98.

<sup>153</sup> *Ibid.*, 358–421.

<sup>154</sup> Lederman, *Reorganizing the Joint Chiefs of Staff*, 74.

<sup>155</sup> Thomas L. McNaugher and Roger L. Sperry, "Improving Military Coordination: The Goldwater-Nichols Reorganization of the Department of Defense," *Who Makes Public Policy: The Struggle for Control Between Congress and the Executive*, ed. Robert S. Gilmor and Alexis A. Halley (New York: Chatham House, 1994), 243, 219–58.

<sup>156</sup> Lederman, *Reorganizing the Joint Chiefs of Staff*, 75.

<sup>157</sup> William J. Crowe Jr. and David Chanoff, *The Line of Fire: From Washington to the Gulf, The Politics and Battles of the New Military* (New York: Simon & Schuster, 1993), 60.

<sup>158</sup> Lederman, *Reorganizing the Joint Chiefs of Staff*, 75.

<sup>159</sup> *Ibid.*, 76.



their capability in an inter service operation, and improving effectiveness in military operations and DOD management in a joint armed forces.<sup>160</sup> The Act divided those eight purposes into six titles.

Title I focused on the Secretary of Defense office's role in improving the DOD's budget management. The title enhances civilian roles in reviewing and observing contingency plans' quality, made by the Chairman of the Joint Chiefs of Staff (CJCS), and situating the plans in line with the defense policy.<sup>161</sup> The Under Secretary of Defense for policy holds the responsibility to assist the Secretary of Defense in this role.<sup>162</sup> The requirements to support the function are providing written annual guidance for DOD components in preparing the budget proposal, and annual guidance for the CJCS to review contingency plans.<sup>163</sup> Furthermore, this title specifies that the Secretary of Defense must assist the President in appointing DOD officials to ensure that the appointee has expertise in defense policy.<sup>164</sup>

Title II paid particular attention to the JCS and CINC. Commander in Chief (CINC) leads Geographical Command and Functional Command as Geographical Combatant Commander (GCC) and Functional Combatant Commander. Geographical Command currently consists of African Command, Central Command, European Command, Northern Command, Pacific Command, and Southern Command. Functional Command consisted of Special Operation Command (USSOCOM), Strategic Command (USSTRATCOM), and Transportation Command (USTRANSCOM). The CJCS would serve the President over a two-year time frame and can serve for two terms.<sup>165</sup> Although the Act designates the CJCS as the highest military rank in the Armed Forces, the CJCS has no military authority over the JCS or "any of the Armed Forces."<sup>166</sup> Title II dictates

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<sup>160</sup> Public Law 99-433, Section 3, 100 Stat. 993-4, 997 (1986).

<sup>161</sup> H.R. Conference Report No. 99-824 (1986), 102-3.

<sup>162</sup> Ibid.

<sup>163</sup> Public Law 99-433, Title I, Section 102, 100 Stat. 996. (1986).

<sup>164</sup> Ibid.

<sup>165</sup> Ibid., Title II, Section 152(a)(1), 100 Stat. 1006 (1986).

<sup>166</sup> Ibid., Section 152(c), 100 Stat. 1006 (1986).

the role of the CJCS as the main adviser, and the service chiefs as auxiliary advisors on military matters, to the civilian leaders: president, the National Security Council, and the Secretary of Defense.<sup>167</sup> In advising, the CJCS may consult the service chiefs and CINC when necessary.<sup>168</sup> Also, to ensure the chiefs' voices are accountable, the title dictated that the JCS meet regularly.<sup>169</sup> The CJCS would have the freedom to state his personal opinion and become the channel of dissent from service chiefs to the civilian leaders.<sup>170</sup>

Title II Section 153 described the CJCS functions as follows:

- The CJCS provides assistance to the president and the Secretary of Defense in military strategy.
- The CJCS prepares a strategic plan with respect to the resources allocated by the Secretary of Defense.
- The CJCS prepares, reviews, evaluates, and ensures a contingency plan in line with the scope of Department of Defense policy guidance.
- The CJCS has to advise the Secretary of Defense in the matter of budget priorities with respect to CCDRs budget requirements and in line with the services' budgets under the strategic plans. Also, the CJCS has to prepare "alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary of Defense."
- The CJCS produces joint doctrine and policies for military education and training.
- The CJCS appoints an officer to represent the United States Armed Forces in the United Nations Military Staff Committee.
- The CJCS prepares reports about the military's dissection of roles and missions every three years and CINC missions, responsibilities, and boundaries every two years.<sup>171</sup>

The position and roles of the JCS vice chairman are stated in section 154 Title II. The vice chairman holds the second highest rank in the United States military, but like

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<sup>167</sup> Public Law 99-433, Title II, Section 151(b)(c).

<sup>168</sup> Ibid., Section 151(c)(1).

<sup>169</sup> Ibid., Section 151(f).

<sup>170</sup> Ibid., Section 151(c), (2); 151(d), (1); 151(d), (2).

<sup>171</sup> Ibid., Section 153, 100 Stat. 1007-8 (1986).

the CJCS, the vice chairman has no authority over any other member of the JCS or military forces.<sup>172</sup> The vice chairman should be an officer from a different service than the CJCS and have served in several joint posts.<sup>173</sup> The duties of the vice-chairman are not dictated by law; rather they rely on the CJCS and the Secretary of Defense for definition.<sup>174</sup> The section dictates that the vice chairman would act as the chairman's replacement and votes only in the absence of the CJCS.<sup>175</sup>

Title II section 155 rules are about the JCS staff. The staffers are to be sourced from the suggestions from the service secretaries of the best officers in the services and selected by the chairman.<sup>176</sup> The selected staff numbers, limited to 1,627, should be equally shared among the Army, the combination of the Navy and the Marines; and the Air Force.<sup>177</sup> The selected staffers are directly under the "authority, direction, and control" of the chairman.<sup>178</sup> The Staff may only serve for four years as CJS staffers, and they may serve again after two years outside of the JCS staff formation.<sup>179</sup>

The most sweeping piece of the law is in Title II, sections 162 to 164. These sections change the entire United States military organization and cover the movement of personnel and unit authority from the services to the CINCs. The law dictated that all United States military should serve under the CINCs. All personnel who serve in specific geographical areas should report to the GCC, unless the military personnel are needed by the services to support their functions in training and equipping.<sup>180</sup> Also, transfer of units between CINCs needs authorization from the Secretary of Defense.<sup>181</sup>

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<sup>172</sup> Public Law 99-433, Title II, Section 154(g), 100 Stat. 1009 (1986).

<sup>173</sup> Ibid., Section 154(a)(2), (b), 100 Stat. 1008-9 (1986).

<sup>174</sup> Ibid., Section 154(c), 100 Stat. 1009 (1986).

<sup>175</sup> Ibid., Section 154(f).

<sup>176</sup> Ibid., Section 155(a)(3).

<sup>177</sup> Ibid., Section 155(a)(2), (g).

<sup>178</sup> Ibid., Section 155(a), 154(c), (d).

<sup>179</sup> Ibid., Section 155(f)(3), 100 Stat. 1010 (1986).

<sup>180</sup> Ibid., Section 162(a)(1)-(4) 100 Stat. 1013 (1986).

<sup>181</sup> Ibid., Section 162(a)(3)-(4), 100 Stat. 1013 (1986).

The line of command as dictated in section 163 runs from president to Secretary of Defense to CINCs; however, the president could order the CJCS to convey CINCs' reports to civilian leaders.<sup>182</sup> Nonetheless, although the CJCS may perform such a function, the CJCS still has no authority over any military forces.<sup>183</sup> The president and Secretary of Defense may alter the CINCs' authorities; the Act prescribes seven authorities to CINCs, as follows:

- The CINCs have the authority over subordinate commands, forces, missions, joint training, and logistics necessary to achieve a mission tasked to the commands.
- The CINCs have the authority to stipulate the chain of command in the respective subordinate commands and forces.
- The CINCs have the authority to organize respective commands in respect to the mission at hands.
- The CINCs have the authority to employ forces necessary to accomplish the command's missions.
- The CINCs have the authority to designate command roles to lower commanders.
- The CINCs have the authority to arrange administration, support, and discipline necessary in the aspects of resources, equipment, training, and organization to achieve optimal results for the missions tasked to the commands.
- The CINCs have the authority to appoint subordinate commanders and CINCs' staff, including imposing rules over his command such as suspension and the call for martial courts.<sup>184</sup>

This title significantly removes the services' authority over the CINCs. The law dictates that the "component commanders"<sup>185</sup> under the CINCs are to report to their CINCs every communication between them and the rest of the DOD.<sup>186</sup> Nevertheless, the

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<sup>182</sup> Public Law 99-433, Title II, Section 163(a), 100 Stat. 1013 (1986).

<sup>183</sup> Ibid., Section 163(a)(2).

<sup>184</sup> Ibid., Section 164(c), 100 Stat. 1014 (1986).

<sup>185</sup> Component Commander is the most senior officer of each service (Army, Navy, Air Force, Marines) under CINCs.

<sup>186</sup> Public Law No. 99-433, Title II, Section 164(d)(4), 100 Stat. 1014 (1986).

appointment of the component commanders is not vested in the CINCs alone; the appointment is vested in the services, but the CINCs have the power to disagree with the services.<sup>187</sup> Importantly, the CINCs may submit budget proposals for contingencies, joint exercises, training, and particular missions to the Secretary of Defense without consulting the services.<sup>188</sup>

Title III of the Act focuses on limiting the agencies and DOD field activity that supports DOD in supply and service.<sup>189</sup> The passage allows either the CJCS or a civilian officer appointed by the office of the Secretary of Defense to oversee the agencies and provide opinions about their budget proposals and readiness.<sup>190</sup> The CJCS also has the responsibility to evaluate the performance of the agencies in conducting joint training.<sup>191</sup> To halt the agencies and field activity growth, the Act limits personnel from serving in both.<sup>192</sup>

Title IV dictates that the military is to enhance joint capabilities by preparing the management of officers' needed capabilities, including education, occupation, and promotion requirements for military personnel toward a joint military. In support of the Act becoming reality, the Act dictates that the Secretary of Defense create a specialty in the military called "joint specialty," which requires joint specialty officers to complete joint professional military education and, at the least, have served once in a joint duty post.<sup>193</sup> The Secretary of Defense is mandated by the Act to oversee the joint education program to maintain the quality of joint education.<sup>194</sup>

In regards to joint occupation and promotion, the DOD is required to provide a thousand posts for joint duty assignments, and half of these must be filled by a joint

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<sup>187</sup> Public Law No. 99-433, Title II, Section 164(e)-(f), 100 Stat. 1015-6 (1986).

<sup>188</sup> Ibid., Section 166(b), 100 Stat. 1017 (1986).

<sup>189</sup> Ibid., Title III, Section 191(a)-(b), 100 Stat. 1019 (1986); At the moment there were twenty three separated agencies supporting DOD's field works and activities.

<sup>190</sup> Ibid., Title II, Section 192(a)(1)-(2), 100 Stat. 1020 (1986).

<sup>191</sup> Ibid., Title III, Section 193(b)(2), 100 Stat. 1021 (1986).

<sup>192</sup> Ibid., Section 194, 100 Stat. 1021-2 (1986).

<sup>193</sup> Ibid., Title IV, Section 661(a)-(c), 100 Stat. 1025 (1986).

<sup>194</sup> Ibid., Section 663(d)(1)-(2), 100 Stat. 1027-8 (1986).

specialty officer of the rank of Captain/Navy Lieutenant or above.<sup>195</sup> These two significant requirements for the DOD need to be done within two years after the enactment of the Act.<sup>196</sup> In order to ensure the services will treat the officers in joint duty the same as the officers serving in the services, the law dictates similar promotion rates between the officers serving on the joint staff and services' headquarters, officers with joint specialty capability and officers serving in services' headquarters, as well as officers without joint specialty serving in joint assignments and officers in the respective services.<sup>197</sup> Also, occupation in their own service does not count as a joint assignment for the military officers.<sup>198</sup>

With respect to promotion, the Act demands a promotion board give credit to officers who have served and are serving in joint posts.<sup>199</sup> In order to ensure that the military officers have adequate knowledge and preparation to create a joint military environment, the Act requires newly appointed flag-rank officers to participate in an education program designed for a joint military purpose.<sup>200</sup> To acquire a higher rank, vice admiral/lieutenant general or above, an officer should have had positive evaluations from the CJCS in joint assignments.<sup>201</sup>

Title V of the Act focuses on all military departments. The functions of the military departments cover recruiting, organizing, supplying, equipping, and training.<sup>202</sup> These functions are primarily designed to satisfy the needs of the Unified Combatant Command and Geographical Combatant Command.<sup>203</sup> The Act dictates that the officers serving as chiefs of staff serve in at least one joint duty post in the flag-rank and have

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<sup>195</sup> Public Law No. 99-433, Title IV, Section 661(d)(1)-(2), 100 Stat. 1026 (1986).

<sup>196</sup> *Ibid.*, Section 406(a), 100 Stat. 1033 (1986).

<sup>197</sup> *Ibid.*, Section 662(a)(1)-(3), 100 Stat. 1026 (1986).

<sup>198</sup> *Ibid.*, Section 668(b)(1)(B), 100 Stat. 1030 (1986).

<sup>199</sup> *Ibid.*, Section 402(a).

<sup>200</sup> *Ibid.*, Section 663(a), 100 Stat. 1027 (1986).

<sup>201</sup> *Ibid.*, Section 403, 100 Stat. 1031-2 (1986).

<sup>202</sup> *Ibid.*, Title V, Section 3013(b)[Army], 5013(b)[Navy], and 8013(b)[Air Force], 100 Stat. 1035, 1043-4, 1055-6 (1986).

<sup>203</sup> *Ibid.*, Section 3013(c)(4)[Army], 5013(c)(4)[Navy], and 8013(c)(4)[Air Force], 100 Stat. 1035, 1044, 1056 (1986).

extensive knowledge of joint duty.<sup>204</sup> The Act also mandates the military services to reduce and set up limits on the number of flag-rank officers working in service headquarters.<sup>205</sup> Organizationally, the Act dictates that the service secretaries inspect the collaborative function of the secretaries' staff and military department headquarter staff in order to avoid duplication.<sup>206</sup> The secretaries are responsible for functions including acquisitions, auditing, comptroller, inspector general, legislative affairs, and public affairs.<sup>207</sup>

Title VI covers reports and numbers of staff in the lower level headquarters. The title dictates that the president submits an annual report about the national security strategy to Congress, which tailors defense to foreign policy.<sup>208</sup> Also, the Secretary of Defense should prepare an evaluation about the dynamics between the military's structure and missions in the form of an annual report.<sup>209</sup> The Act demands a reduction in lower level headquarters including services and commands as well as agencies and field activities.<sup>210</sup>

The Goldwater-Nichols Act changed the DOD significantly and is one of the most important laws in the United States.<sup>211</sup> Although the Act did not receive proper appreciation outside of Congress,<sup>212</sup> it improves three major areas in the United States DOD: the JCS, the configuration of the joint staff administration, and the unified

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<sup>204</sup> Public Law No. 99-433, Title V, Section 3033(a)(2)(A)[Army], 5033(a)(2)(A)-(B)[Navy], and 8033(a)(2)(A)-(B)[Air Force], 100 Stat. 1040, 1049, 1061 (1986).

<sup>205</sup> Ibid., Section 3014(f)(1)-(3)[Army], 5014(f)(1)-(3)[Navy], and 8014(f)(1)-(3)[Air Force], 100 Stat. 1037, 1046, 1058 (1986).

<sup>206</sup> Ibid., Section 3014(e)[Army], 5014(e)[Navy], and 8014(e)[Air Force], 100 Stat. 1037, 1046, 1058 (1986).

<sup>207</sup> Ibid., Section 3014(c)(1)[Army], 5014(c)(1)[Navy], and 8014(c)(1)[Air Force], 100 Stat. 1036, 1045, 1057 (1986).

<sup>208</sup> Ibid., Title VI, Section 603(a), 100 Stat., 1074-5. (1986).

<sup>209</sup> Ibid., Section 603(b), 100 Stat., 1075-6. (1986).

<sup>210</sup> Ibid., Section 601, 100 Stat., 1064-6. (1986).

<sup>211</sup> Barry M. Goldwater and Jack Casserly, *Goldwater* (New York, NY: St. Martin's Press, 1988), 453.

<sup>212</sup> Katherine Boo, "How Congress Won the War in the Gulf: Implementing the Goldwater-Nichols Defense Reorganization Act in the Persian Gulf War," *Washington Monthly* 23, no.10, 1991, 31.

commanders' command and control over their commands.<sup>213</sup> These three improvements calibrated the DOD into a more balanced organization, including the centralization of the Armed Forces, geographic and functional commands; and general specialty of the officers.<sup>214</sup> The Goldwater-Nichols Act significantly reformed the DOD. The Act, to some extent, reduced service parochialism and brought all the services towards more joint cooperation, and more importantly, a joint mind set.<sup>215</sup> It not only reorganized the chain of command in the Department of Defense, but also the development of the defense budget flows and priorities in force structures.<sup>216</sup> Thus, this Act is considered a model in achieving military effectiveness, even though the process reflected the political interests among the parties involved.<sup>217</sup>

#### **D. IMPLEMENTATION**

The spirit of jointness from the Goldwater-Nichols Act shaped the United States Armed Forces into a power that focused on conventional threats.<sup>218</sup> The United States military operations after the Goldwater-Nichols Act showed positive outcomes, including operations in Panama in 1989, the 1991 Gulf War, and Iraq and Afghanistan.<sup>219</sup> Locher offers an interesting view, saying that the Goldwater-Nichols reform provides two lessons: first that defense needs to be improved innovatively and continuously, and second, that officers in the Armed Forces choose loyalty to the service or to the nation's interest.<sup>220</sup>

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<sup>213</sup> Zegart, *Flawed By Design*, 140–1.

<sup>214</sup> Lederman, *Reorganizing the Joint Chief of Staff*, 84.

<sup>215</sup> Zegart, *Flawed by Design*, 140–1.

<sup>216</sup> Mark T. Seeley, "The Goldwater-Nichols Department of Defense Act of 1986: Genesis and Postscript" (master's thesis, Naval Postgraduate School, December 1987), 52.  
<http://calhoun.nps.edu/bitstream/handle/10945/22272/goldwaternichols00seel.pdf?sequence=1>.

<sup>217</sup> Bruneau, *Patriot for Profit*, 86.

<sup>218</sup> Steven Metz, "America's Defense Transformation: A Conceptual and Political History," *Defense Studies* 6, no. 1, (2006): 11, doi: 10.1080/14702430600838511.

<sup>219</sup> Bruneau, *Patriots For Profit*, 86.

<sup>220</sup> Locher, "Has It Worked?", 113.



Evaluating the implementation of the Goldwater-Nichols Act sheds light on how the military executes what the law has dictated and how willingly they abide by that law. The implementation of the Goldwater-Nichols Act has not been perfect. Douglas Lovelace argues that “the DOD has substantially, but not completely, implemented the Goldwater-Nichols Act.”<sup>221</sup> In the process of the Act’s enactment, the military had more non-reformers and, at the end of the process, rallied behind the Secretary of Defense as an anti-reformer who in turn was required to execute the Act out of respect for the rule of law. This part of the chapter investigates the three most substantial areas at the core of the Act that improved the DOD as a whole—the CJCS, Geographic and Functional Commands, and the management of the joint forces—in order to look at the effectiveness of the military after the Act.

The CJCS is the primary military adviser to the president, the Secretary of Defense, and the National Security Council. The CJCS’ position in advocating the services’ interests and CINCs’ missions placed it in the middle of organizational tension.<sup>222</sup> The services would have their own interests and the CINCs would advise the CJCS with their own needs in accomplishing their mission.<sup>223</sup> This situation might easily have led to bureaucratic imbalance, as in advising the civilian leaders the CJCS might favor one or the other.<sup>224</sup> Concerns included the CJCS privileging his/her own service when advising the civilian authority.<sup>225</sup> According to Robert Previdi, this centralization was a “serious mistake.”<sup>226</sup> A strong CJCS undermines the effectiveness of military advice to the civilian decision makers by only providing a single military voice.<sup>227</sup>

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<sup>221</sup> Douglas C. Lovelace, Jr., *Unification of the United States Armed Forces: Implementing the 1986 Department of Defense Reorganization Act* (Carlisle Barrack, PA: Strategic Studies Institute, August 1996), 43.

<sup>222</sup> Lederman, *Reorganizing the Joint Chiefs of Staff*, 86.

<sup>223</sup> *Ibid.*, 86–7.

<sup>224</sup> *Ibid.*, 86.

<sup>225</sup> *Ibid.*, 87–8.

<sup>226</sup> Robert Previdi, “Goldwater-Nichols: Where Have Ten Years Taken Us?” *Proceedings Magazine U.S. Naval Institute*, 123/5/1, no. 131 (1997): 1, <http://www.usni.org/magazines/proceedings/1997-05/goldwater-nichols-where-have-ten-years-taken-us>.

<sup>227</sup> Christopher M. Bourne, “Unintended Consequences of the Goldwater-Nichols Act,” *Joint Forces Quarterly* (Spring 1998): 99–100, [www.dtic.mil/get-tr-doc/pdf?AD=ADA525942](http://www.dtic.mil/get-tr-doc/pdf?AD=ADA525942).

The other problem in implementing a stronger CJCS was its ability to impose joint doctrine on the services and, importantly, the resources to execute the task. The CJCS's staff responsible for joint doctrine is the Joint Warfighting Center (JWFC) working under the Director of Operational Plans and Interoperability.<sup>228</sup> The main objective of the JWFC is to "assist the CJCS, CINCs, and service chiefs in their preparation for joint and multinational operations in the conceptualization, development, and assessment of current and future joint doctrine and in the accomplishment of joint and multinational training and exercises."<sup>229</sup>

In reality, critics argue that the JWFC possesses insufficient funds and resources to develop joint doctrine; thus, the CJCS tasks the services to produce the doctrines.<sup>230</sup> The aim of avoiding services that are too strong failed in this area. The other mission of the JWFC is making observations and giving recommendations without knowing how the recommendations work at the other end.<sup>231</sup> Finally, the services have to train their forces in joint operations and exercises, but the other user, the CINCs and CINCs' headquarter staff, have not aligned training and exercises on how properly to use those forces.<sup>232</sup>

The CINCs acquired more power and responsibility under the Goldwater-Nichols Act, which changed the way the United States military projects its power in the world. Robert Hein argues, "The Goldwater-Nichols Department of Defense Reorganization Act of 1986 may have unwittingly tipped the scales toward the use of military power."<sup>233</sup> The Goldwater-Nichols Act increased the role of the GCC in an unprecedented way. Consequently, commanders of GCCs have more direct influence in military operations

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<sup>228</sup> Robert D. Adolph Jr., Charles W. Stiles, and Franklin D. Hitt Jr., "Why Goldwater-Nichols Didn't Go Far Enough," *Joint Force Quarterly* (Spring 1995): 49, <http://www.dtic.mil/dtic/tr/fulltext/u2/a528916.pdf>.

<sup>229</sup> Ibid.

<sup>230</sup> Adolph, Stiles, and Hitt, "Why Goldwater-Nichols," 48.

<sup>231</sup> Ibid., 49.

<sup>232</sup> Ibid., 48.

<sup>233</sup> Robert N. Hein, "What if before the War, Everyone Came? Goldwater-Nichols, Contradicting Policies, Political Appointees, and Misalignment in American Foreign Policy," Brookings, September 2015, 1, [http://www.brookings.edu/~media/research/files/papers/2015/09/goldwater-nichols-american-foreign-policy-hein/goldwater\\_nichols\\_final.pdf](http://www.brookings.edu/~media/research/files/papers/2015/09/goldwater-nichols-american-foreign-policy-hein/goldwater_nichols_final.pdf).

and even foreign policy around the world.<sup>234</sup> With the military expanding its influence even more outside the United States, the nation started to rely on the GCCs for foreign missions.<sup>235</sup> Moreover, the increasing role of the GCCs in foreign missions may have led the United States into more conflicts overseas.<sup>236</sup> Favoring a military approach in foreign missions may send the wrong message to people around the world, including adversaries, allies, and friendly nations. In addition, when the military has a prominent role on diplomatic issues, the advice accepted by the policymakers may be military advice.<sup>237</sup> Thus, the decisions made by policy makers would tend to be military solutions.

The distribution of power between the CINCs and services chiefs also created tension among military leaders, resulting in ineffectiveness. The CINCs' roles in budgetary process, through the CJCS, created competition between the CINCs and the service chiefs.<sup>238</sup> The competition could lead to the ineffectiveness of the CINCs. The CINCs, instead of focusing their main mission to win the fight in their respective geographical responsibility, would pay more attention to win over the budgets.<sup>239</sup> An example of the ineffectiveness caused by weak communication between the chiefs and CINCs was the 1996 cruise missile attack in one of the U.S. military barracks in the Khobar Towers in Saudi Arabia.<sup>240</sup> The official report on this particular case suggested that the services chiefs did not fully commit to support the GCC with their best personnel available.<sup>241</sup> Another example occurred in Gulf War I when the Marine Corps Commandant General Al Gray cancelled his third trip to the Theater of Operation

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<sup>234</sup> Hein, "What If Before the War," 5.

<sup>235</sup> Dana Priest, *The Mission: Waging War and Keeping Peace with America's Military* (New York: WW Norton, 2003), 45.

<sup>236</sup> Hein, "What If Before the War," 2.

<sup>237</sup> Ibid.

<sup>238</sup> Lederman, *Reorganizing the Joint Chiefs of Staff*, 96.

<sup>239</sup> Ibid., 97.

<sup>240</sup> Ibid., 96.

<sup>241</sup> Lawrence Wright, *The Looming Tower: Al Qaeda and the Road to 9/11* (New York: Knopf, 2006), 284–6.

because the CINC, General Norman Schwarzkopf, viewed Gray's frequent visits as interfering in the CINC's business.<sup>242</sup>

The management of joint power needs improvement, according to Michael R. Gordon and Bernard Trainor. While the Gulf War was widely seen as a huge success of the joint forces' capability, there were some missteps. The assignment of all air assets in the Gulf War under the control of the Air Force met some resistance. The Marines defied Air Force control over their air assets: the FA-18.<sup>243</sup> Also, a lack of synchronized communication between the Air Force and the Navy meant that the daily assignments for the Navy had to be in written form and airlifted from the Air Force base in Saudi Arabia to an aircraft carrier off the coast of Saudi Arabia.<sup>244</sup> The joint forces led to positive output for the U.S. military's effectiveness, but also to sharp service rivalries.<sup>245</sup> Arguably, the United States Armed Forces have been making progress over time in mitigating service rivalries and moving toward more effective fighting forces.

## **E. CONCLUSION**

The Goldwater-Nichols Act was an important capstone for the United States for civilian control of the military. Despite great tension between the pro-reformers and non-reformers, in the end, the military complied, with few exceptions. The exceptions did not happen from opposition to civilians exercising control over the military, but because of a culture of parochialism had lived inside the military for years. The Goldwater-Nichols Act of 1986 was created to increase the effectiveness of the U.S. Armed Forces. Bruneau argues, "Virtually all informed observers agree that Goldwater-Nichols substantially improved military effectiveness, a fact that has been proven in all of the military campaigns between its implementation and the present day."<sup>246</sup> Christopher M. Bourne,

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<sup>242</sup> James Kitfield, *Prodigal Soldiers: How the Generation of Officers Born of Vietnam Revolutionized the American Style of War* (New York: Simon & Schuster, 1995), 373.

<sup>243</sup> Michael R. Gordon and Bernard Trainor, *The Generals War: The Inside Story of the Conflict in the Gulf* (Boston: Little, Brown, 1995), 311.

<sup>244</sup> Richard A. Keeney and Eliot A. Cohen, *Gulf War Air Power Survey: Vol. I: Planning and Command and Control* (Washington, DC: U.S. Government Printing Office, 1993), 54.

<sup>245</sup> Lederman, *Reorganizing the Joint Chiefs of Staff*, 104–5.

<sup>246</sup> Bruneau, *Patriots for Profit*, 79.

however, remains concerned about the unintended strengthening of military commands over their civilian superiors:

While the operational performance of the Armed Forces and the bureaucratic efficiency of DOD have improved, some of the law's provisions have overcompensated for the inadequacies of earlier defense reorganizations. They invest inordinate authority in a single military officer and his staff while reducing the checks and balances within and between the executive and legislative branches.<sup>247</sup>

It seems clear that bureaucratic efficiency in the DOD and Armed Forces have improved; in these two areas, the two experts, Bruneau and Bourne, complement each other. Nonetheless, skepticism regarding the Goldwater-Nichols Act's impact on effectiveness and civil military relations persists. Most current significant critic to the Goldwater-Nichols Act emerges that the Act was designed to organized military structure in the Cold War era and needs to be updated to face the current security challenge.<sup>248</sup>

The military reform discussed in this chapter showed the dynamics of the civil-military relations in the United States. Even though the relationship was not a threat to democratic civilian control, the tension between civilians and the military at the highest level was still great. The generals supported the administration, especially the Secretary of Defense, for traditional reasons: service parochialism and established services' control over budgets.<sup>249</sup> The generals, regardless of the worrisome number of military failures, refused changes in the military. The civilians, represented by the administration leaders, the president, the Secretary of Defense, and the Congress, in some cases showed that parochial political interests were as important for their pro- or anti-position as the purpose and nature of the reform itself.

President Reagan stayed out of the reform "battle" because he did not want to lose his political capital in a non-beneficial political situation.<sup>250</sup> Defense reform would benefit the president, but openly supporting the reform might make his top military

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<sup>247</sup> Christopher M. Bourne, "Unintended Consequences of the Goldwater-Nichols Act," *Joint Force Quarterly* (Spring 1998): 100, <http://www.dtic.mil/dtic/tr/fulltext/u2/a525942.pdf>.

<sup>248</sup> Bruneau, *Patriots for Profit*, 57–9.

<sup>249</sup> Zegart, *Flawed by Design*, 153–5.

<sup>250</sup> *Ibid.*, 137.

leaders non-sympathetic to the administration. The Secretary of Defense spearheaded the administration's efforts in challenging the reform. Allowing the reform would eliminate the comfortable the status quo enjoyed by the military and civilian bureaucracies. The process of enacting and implementing this Act showed that the military are deeply involved in political contests affecting their interests. Thus, parochial political interests endangered the purpose of the reform: the creation of a more effective military instrument to protect U.S. national security. The reform, however, appears to have achieved its goal of improving U.S. military effectiveness.

### **III. THE 9/11 COMMISSION REPORT**

This chapter reviews the 9/11 Commission Report recommendations that specifically address the reform of the intelligence community in the United States, considering that the intelligence community acts as a part of the defense establishment in the civil-military context. These recommendations ultimately became a touchstone for U.S. security policy reform to fight global terrorism. While both the intelligence institutions and society as a whole have changed significantly since 9/11, this chapter shows that the policy and legal reforms directed by the 9/11 Commission Report have not made the U.S. intelligence community more effective, but rather less so. If anything, the process by which intelligence reform was promoted and ultimately derailed shows how politics at the highest level diminished, if not crippled, meaningful intelligence community reform.

In order to closely investigate the intelligence reform in the United States, this chapter observes the cause, process, result, and implementation of the 9/11 Commission Report in reforming the U.S. intelligence community. The cause section investigates the motivation for Congress to enact measures from the 9/11 Commission Report in connection with intelligence failures and reforms for the intelligence community. The process section investigates the 9/11 Commission Report with a focus on the collaboration between the Congress and President George W. Bush's administration. The results section covers the specific recommendations from the 9/11 Commission that transformed the American intelligence community, with an emphasis on how these recommendations acquired the necessary political support to make intelligence changes to protect the nation from the threat of global terrorism and prevent attacks on the United States. The implementation section investigates the impact of the 9/11 Commission Report on the U.S. intelligence community in the term of effectiveness.

## A. CAUSES OF REFORM: INTELLIGENCE INEFFECTIVENESS AND POPULAR PRESSURE

Thomas H. Kean and Lee H. Hamilton argue that, “September 11, 2001, was a day of unprecedented shock and suffering in the history of the United States ... [for which] the nation was unprepared.”<sup>251</sup> Although major attacks on American soil had happened before—notably the Japanese bombardment of Pearl Harbor in December 1941—9/11 opened the eyes of the people of United States to the reality that offensive actions could happen in their own homes in the modern era despite a sophisticated intelligence apparatus, arguably the best that ever existed, at their government’s disposal. This event raised two questions among the political elite and the general public alike: “How did this happen, and how can we avoid such tragedy again?”<sup>252</sup> Congress and the president established the National Commission on Terrorist Attacks (the 9/11 Commission) to answer those questions with the passage of Public Law 107-306 on November 27, 2002.<sup>253</sup>

The U.S. intelligence community had not seriously focused on terrorism threats that led to the 9/11 attacks until a series of bombings targeted the United States’ embassies in 1998.<sup>254</sup> Since then, the intelligence community had provided U.S. policymakers with broad continuing information about Al-Qaeda activities.<sup>255</sup> In fact, the CIA had successfully planted an agent inside Al-Qaeda in 1999, although, the penetration did not reach Al-Qaeda cores in a timely manner.<sup>256</sup> The intelligence community had been working on the problem in accordance with current capabilities and expectations. Nonetheless, it was insufficient to prevent the attack.

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<sup>251</sup> National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report* (Washington, DC: National Commission on Terrorist Attacks upon the United States, 2004), xv.

<sup>252</sup> Ibid.

<sup>253</sup> Ibid.

<sup>254</sup> Richard K. Betts, *Enemies of Intelligence: Knowledge and Power in American National Security* (New York: Columbia University Press, 2007), 106.

<sup>255</sup> Erik J. Dahl, *Intelligence and Surprise Attack: Failure and Success from Pearl Harbor to 9/11 and Beyond* (Washington, DC: Georgetown University Press, 2013), 129.

<sup>256</sup> Report of The Joint Inquiry Into The Terrorist Attacks of September 11, 2001 – By The House of Permanent Select Committee On Intelligence and The Senate Select Committee On Intelligence, Richard Clark testimony, 90–1.



One of the first responses that emerged from the analysis of the 9/11 attacks held that U.S. intelligence had failed—somehow. Overall intelligence failures had happened because the intelligence community was not effective in doing its job. Opinions varied as to just where the point of failure occurred. Robert Jervis argued that the intelligence failure arose from the differences between the prediction and the actual event.<sup>257</sup> On the other hand, Roberta Wohlstetter offers the explanation on intelligence failure in Pearl Harbor that intelligence failed because the intelligence community received too much information to be analyzed.<sup>258</sup> Wohlstetter further explains that too much irrelevant information collected by the intelligence community made it impossible to recognize the important reports in time.<sup>259</sup> Thus, she concludes that adequate intelligence was almost impossible to achieve.<sup>260</sup> Betts takes a more critical position by saying that the failure of intelligence was natural.<sup>261</sup> Paul R. Pillar agrees with Betts' assessment that the U.S. intelligence community did not do its job properly to protect the nation regarding 9/11.<sup>262</sup> James Wirtz argues that 9/11 happened because all the nations' components did not learn from what happened in Pearl Harbor decades before.<sup>263</sup>

Intelligence failures and successes are highly determined by how the intelligence community provides the right information at the right time so that the policymakers can make the right decision at the right time. Hence, policymakers' attitudes on intelligence failures or successes needed to be examined regarding the 9/11 attacks. The cloud surrounding the understanding of why 9/11 happened was thick and full of blame for the intelligence community; regardless, the intelligence entities had some share of the blame

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<sup>257</sup> Robert Jervis, *Why Intelligence Fails: Lessons from the Iranian Revolution and the Iraq War* (Ithaca, NY: Cornell University Press), 1–3.

<sup>258</sup> Roberta Wohlstetter, *Pearl Harbor: Warning and Decision* (Stanford, CA: Stanford University Press, 1962), 387.

<sup>259</sup> *Ibid.*, 382.

<sup>260</sup> *Ibid.*, 399.

<sup>261</sup> Richard K. Betts, "Analysis, War, and Decision: Why Intelligence Failures Are Inevitable," *World Politics* 31, No. 1 (October 1978): 61–89, doi: 10.2307/2009967.

<sup>262</sup> Paul R. Pillar, *Intelligence and U.S. Foreign Policy: Iraq, 9/11, and Misguided Reform* (New York, NY: Columbia University Press, 2011), 233–4.

<sup>263</sup> James Wirtz, "Responding to Surprise," *Annual Review of Political Science* 9 (2006): 46–51, <http://www.annualreviews.org/doi/pdf/10.1146/annurev.polisci.9.062404.170600>.

for the failures that led to the 9/11. Betts claims that the 9/11 attacks were the United States' intelligence community biggest failure since the Pearl Harbor attack.<sup>264</sup> Betts argues that intelligence failed regarding the 9/11 event because the intelligence community could not provide specific information about the attack.<sup>265</sup> Erik J. Dahl echoes Betts' idea by stating that the intelligence community failed to prevent the attack because it did not provide actionable intelligence to prevent the attack.<sup>266</sup> Furthermore, Dahl adds that policymakers failed to give adequate attention to information from the intelligence community,<sup>267</sup> which suggests that the failure of the intelligence community to convince policymakers of the seriousness of the risk may also be considered as an intelligence failure.

In his account, Dahl states that the 9/11 attacks were the combination of too broad strategic intelligence information from the intelligence community and the reluctance of policymakers to accept the information related to the attack.<sup>268</sup> Dahl argues that the policymakers' level of acceptance of the information about Al-Qaeda was quite high, but there was not precise intelligence that could convince them to take significant action against it.<sup>269</sup>

The personalities of the politicians and political appointees in leading roles in the intelligence community as well as the character and emphases of respective presidential administrations affected the receptiveness of policymakers to intelligence information in advance of the 9/11 attacks. In 1998, the administration, under President Bill Clinton, had internationally declared that terrorism was the number one United States security priority.<sup>270</sup> Also, the plan to conquer Al-Qaeda and the authorization to kill Osama bin

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<sup>264</sup> Betts, *Enemies of Intelligence*, 105.

<sup>265</sup> Ibid.

<sup>266</sup> Dahl, *Intelligence and Surprise Attack*, 2.

<sup>267</sup> Ibid., 3.

<sup>268</sup> Ibid., 24–26.

<sup>269</sup> Ibid., 158–9.

<sup>270</sup> Amy B. Zegart, "September 11 and The Adaptation Failure of U.S. Intelligence Agency," *International Security* 29, No. 4 (Spring 2005): 84–85, <http://faculty.maxwell.syr.edu/rdenever/USNatSecandForeignPol/Zegart.pdf>.

Laden had been released.<sup>271</sup> Nonetheless, the CIA and the military were reluctant to follow up on the president's desire.<sup>272</sup>

In President George W. Bush's administration, the initial level of concern over terrorist threats was lower than in Clinton's administration.<sup>273</sup> Clinton had personally communicated his belief in the seriousness of a possible Al-Qaeda attack to Bush in December 2000.<sup>274</sup> From January to September 10, 2001, the IC leaders had been trying to convince the National Security Adviser, Condoleezza Rice, and other key policymakers, including the president, about the possibility of Al-Qaeda attacks on American soil.<sup>275</sup> For his part, however, President Bush used the phrase "swatting at flies" to describe fighting terrorists.<sup>276</sup> President Bush was clearly taking the threat lightly before 9/11 became real.

Bush's administration was more concerned about inter-state threats than terrorist threats.<sup>277</sup> Specifically, *The Washington Post* reported that the "Bush administration did not do enough to pursue Al-Qaeda before September 11, 2001, and has neglected the war on terrorism since then because of an obsession with waging war on Iraq."<sup>278</sup> James Moore writes that Defense Secretary Donald Rumsfeld used the terrorist attacks on 9/11 as a "rationale" for the United States to invade Iraq.<sup>279</sup> Instead of focusing on terrorist threats, the first reaction of President Bush after the 9/11 attacks was to demonstrate

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<sup>271</sup> Judith Miller, "Planning for Terror but Failing to Act," *New York Times*, December 30, 2001. <http://www.nytimes.com/2001/12/30/us/a-nation-challenged-the-response-planning-for-terror-but-failing-to-act.html?pagewanted=all>.

<sup>272</sup> Dahl, *Intelligence and Surprise Attack*, 155.

<sup>273</sup> Ibid., 156.

<sup>274</sup> National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report* (Washington, DC: U.S. Government Printing Office, 2004), 198–9.

<sup>275</sup> *9/11 Commission Report*, 199–214; Erik J. Dahl, *Intelligence and Surprise Attacks*, 156–7.

<sup>276</sup> *9/11 Commission Report*, 202.

<sup>277</sup> Richard A. Clarke, *Against All Enemies: Inside America's War on Terror* (New York: Free Press, 2004), 241.

<sup>278</sup> Dan Eggen and Walter Pincus, "Ex-Aide Recounts Terror Warnings: Clarke Says Bush Didn't Consider Al Qaeda Threat a Priority Before 9/11," *Washington Post*, March 25th, 2004, <http://www.washingtonpost.com/wp-dyn/articles/A22231-2004Mar24.html>, A01.

<sup>279</sup> James Moore, *Bush's War for Reflection: Iraq, the White House, and the People* (New Jersey, NJ: John Willey & Sons, 2004), 18.

America's supremacy by focusing on Iraq.<sup>280</sup> The reason to invade Iraq, eliminating banned weaponry, has never been proven valid. Very few people in the CIA and the Pentagon believed that the weapons allegedly owned by Iraq existed.<sup>281</sup> Incoherent strategy between the policymakers, the administration, and the intelligence community ultimately failed to realize the United States' first priority: protecting the homeland from direct attack.

Thus, a picture of the dysfunction between the intelligence community and policymakers emerges. Figure 2 from Dahl reflects the relations between the general intelligence information and low receptivity of the policymaker resulted in the likelihood of terrorist attacks:

Figure 2. Relations between Intelligence and Policymakers' Attitudes

	Low policymaker receptivity	High policymaker receptivity
Strategic Warning/ General Indications	Attack most likely to succeed	
Specific Warning		Attack most likely to be prevented

Adapted from Erik J. Dahl, *Intelligence and Surprise Attack: Failure and Success from Pearl Harbor to 9/11 and Beyond* (Washington, DC: Georgetown University Press, 2013), 25.

<sup>280</sup> Clarke, *Against All Enemies*, 244.

<sup>281</sup> Dana Priest and William M. Arkin, *Top Secret America: The Rise of the New American Security State* (New York: Little, Brown and Company, 2011), 20.

Policymakers passively received information about Al-Qaeda threats prior to 9/11. Zegart states that from 1991 to 2001, “There were many canaries in the coal mine.”<sup>282</sup> Despite these warnings, policymakers were reluctant to act on U.S. counterterrorism deficiencies uncovered by the combination of “twelve different blue ribbon commissions, think tank task forces, and governmental initiatives.”<sup>283</sup> They had made 340 recommendations to reform the American intelligence community that focused on counterterrorism.<sup>284</sup> Interestingly, the same shortcomings stood out in the findings of the 9/11 Commission Report and House and Senate Intelligence Committee after 9/11.<sup>285</sup> With all the warnings provided, the policymakers could not make a single significant policy to deter or prevent Al-Qaeda’s threats before 9/11. The relation between the policymakers and intelligence community was inadequate. The intelligence community, as the expert on intelligence matters, had tried unsuccessfully to convince the policymakers about the threat posed by the Al-Qaeda.

## **B. PROCESS**

On September 14, 2001, the President declared a national emergency,<sup>286</sup> and Congress passed a joint resolution authorizing the President “to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks” of September 11,<sup>287</sup> which the president signed on September 18.<sup>288</sup> The nation’s politicians suddenly united in some key respects and faced the same direction—toward the enemy—but they diverged significantly in regards to the 9/11 Commission. Despite popular clamor for answers and assurances, U.S. politicians took almost a year to agree on a commission to investigate

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<sup>282</sup> Zegart, *Spying Blind*, 16.

<sup>283</sup> *Ibid.*

<sup>284</sup> *Ibid.*

<sup>285</sup> *Ibid.*

<sup>286</sup> Proclamation No. 7463, 66 Fed. Reg. 48, 199.

<sup>287</sup> U.S. Department of Justice document, Legal Authorities Supporting The Activities Of The National Security Agency Described By The President, (Washington, DC: U.S. Department of Justice, January 19, 2006), 4, [nsarchive.gwu.edu/NSAEBB/NSAEBB178/surv39.pdf](http://nsarchive.gwu.edu/NSAEBB/NSAEBB178/surv39.pdf).

<sup>288</sup> 107th Congress, Public Law 107–40, Authorization to Use Military Force, (Washington, DC: 18 September 2001, 2(a), [www.gpo.gov/fdsys/pkg/PLAW-107publ40/pdf/PLAW-107publ40.pdf](http://www.gpo.gov/fdsys/pkg/PLAW-107publ40/pdf/PLAW-107publ40.pdf)).

the 9/11 attacks. While the commission had firmly stated assignments, the significant political infighting for the sake of political interests reflects how the commission was built by political agreement, not from pure goodwill in solving the real problem.

The 9/11 Commission Chairman and the Vice Chairman, Thomas H. Kean and Lee H. Hamilton, cited among the reasons for the delay a series of “false starts.”<sup>289</sup> The final composition of the 9/11 Commission was five Republicans and five Democrats with a Republican as a chairman and a Democrat as a vice-chairman. The composition was designed to build a bipartisan commission, and the Chair and Vice-Chair worked hard to avoid partisanship in the Commission. After all, the purpose of the Commission was not to open a new arena for political interests, but to find the truth and absorb all the political interests reflected from the equal numbers of the commissioners. The commissioners appointed were political figures, and had hardly any experience in a security-related environment, except former Chairman of the House Intelligence Committee Lee Hamilton, and former Secretary of Navy John F. Lehman.

The main opposition to the creation of an independent commission was the then administration, the George W. Bush White House. In the spring of 2002, legislation for an independent commission had been brought up in the Congress.<sup>290</sup> Nonetheless, the White House opposed its creation.<sup>291</sup> The White House grew concerned that an independent commission would affect the administration’s credibility in defending the nation; worse, the government might find itself blamed for the failure to prevent 9/11.

Indeed, the White House hoped that the appointees to the Commission’s top slots would give the administration some leverage in the result.<sup>292</sup> For example, the executive director for the 9/11 Commission, Philip Zelikow, was known to have close bonds with

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<sup>289</sup> Thomas H. Kean and Lee Hamilton, *Without Precedent: The Inside Story of the 9/11 Commission* (New York, NY: Alfred A. Knopf, 2006), 16.

<sup>290</sup> *Ibid.*, 17.

<sup>291</sup> Kenneth Kitts, *Presidential Commissions & National Security: The Politics of Damage Control* (Boulder, CO: Lynne Rienner, 2006) 133, 137.

<sup>292</sup> Philip Shenon, *The Commission: The Uncensored History of the 9/11 Investigation* (New York: Twelve), 35–9.

the National Security Adviser Condoleeza Rice.<sup>293</sup> The Commission was a part-time working commission. Although the commissioners would have to authorize all the documents released by the commission, the Commission assignments were not their only concern. Zelikow led the dedicated Commission staff. Moreover, when the Commission seemed to be acting against the president's wishes, according to one well-placed critic, the White House counsel's office was not above "stonewalling."<sup>294</sup> Richard Ben-Veniste argues that the Republican-led Congress imposed time and budget constraints on the Commission to protect the chances of a second-term Republican presidency.<sup>295</sup> In short, the focus of the White House was not to find the facts and causes of the terrorist attacks on 9/11, but to uphold the administration's legitimacy in the political realm.

Other factors slowed the start of the Commission's work. The first-choice designees for the Chairman and Vice Chairman of the 9/11 Commission resigned their positions early in the process. The White House proposed Dr. Henry Kissinger, one of the best-known diplomats in the world, as the head of 9/11 Commission.<sup>296</sup> The Senate majority leader chose George Mitchell as the vice chair for the 9/11 Commission.<sup>297</sup> Congress had demanded that the commissioners disclose any potential outsider influence, which included clients that contributed more than \$5,000 to the commissioners' private practices.<sup>298</sup> Thus, on December 20, 2002, Kissinger had a visit from 9/11 victim families known as the Family Steering Committee (FSC) to question Kissinger's clients in his consulting agency in order to ensure that he would work to find the truth and disclose his ties with his clients.<sup>299</sup> For example, the families demanded that he acknowledge Osama bin Laden's family's business corporation as a client.<sup>300</sup> The next day, he resigned from

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<sup>293</sup> Ibid., 40–4.

<sup>294</sup> Shenon, *The Commission*, 123.

<sup>295</sup> Richard Ben-Veniste, *The Emperor's New Clothes: Exposing the Truth From Watergate to 9/11* (New York: St. Martin's, 2009), 201.

<sup>296</sup> Kean and Hamilton, *Without Precedent*, 20–21.

<sup>297</sup> Ibid., 21.

<sup>298</sup> Ibid.

<sup>299</sup> Shenon, *The Commission*, 9–14.

<sup>300</sup> Ibid.

the job of 9/11 Commission chairman.<sup>301</sup> Similarly, Mitchell, who owned a law firm, resigned soon thereafter for the exact same reason: refusal to release his client list.<sup>302</sup>

Thomas H. Kean and Lee H. Hamilton who took over as the Chief and Vice Chief of the 9/11 Commission had their concerns about the task that they had to achieve, from their skeptical perspective. The 9/11 Commission would evaluate almost all of the U.S. government as well as the private sector considered to be involved in the failure of preventing 9/11.<sup>303</sup> Public demands, especially the victims' families, also constrained the day-to-day working of the Commission.<sup>304</sup> The process of the investigation would also infringe on the current active effort against terrorism in the world and the nation's preparation to go to war in Iraq.<sup>305</sup> The Commission had to look at the government's secret files,<sup>306</sup> and to question government top officials politically invested in the administration.<sup>307</sup> The Commission leadership realized that the tasks at hand were enormous, but the capabilities and confidence at their disposal were minimal. This imbalance would definitely affect the working quality of the Commission.

On the other hand, the pressure against intelligence reform came strongly from the Pentagon, especially the idea to relocate several intelligence agencies under the authority of the Secretary of Defense to the Director of Intelligence.<sup>308</sup> Also, the Pentagon was not in favor of establishing a strong national intelligence director because a strong intelligence director would take over DOD's control over defense intelligence agencies and the budget that comes with the agencies.<sup>309</sup> The House and Senate Armed Services

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<sup>301</sup> Shenon, *The Commission*, 14.

<sup>302</sup> Kean and Hamilton, *Without Precedent*, 21.

<sup>303</sup> *Ibid.*, 14–5.

<sup>304</sup> *Ibid.*, 30.

<sup>305</sup> *Ibid.*, 15.

<sup>306</sup> *Ibid.*

<sup>307</sup> *Ibid.*

<sup>308</sup> Amy B. Zegart, *Spying Blind: The CIA, the FBI, and the Origins of 9/11* (Princeton, NJ: Princeton University Press, 2007), 172.

<sup>309</sup> *Ibid.*, 179.



Committee joined the Pentagon stance for mostly the same reasons.<sup>310</sup> In the end, the enactment of the Intelligence Reform and Terrorism Act of 2004 became reality. Nonetheless, accommodating Pentagon's disagreement, the Congress decided to deny giving the new national intelligence director the authority to control the national intelligence budget and personnel.<sup>311</sup>

During this period, pressures in the investigation process came from more than one direction: the White House, Congress, and the FSC. The White House never really cooperated with the 9/11 Commission. The Congress continually inquired about its progress, and partisanship in Congress created pressure on the commissioners for particular political agendas. The FSC was constantly, and sometimes too aggressively, assisting the Commission's efforts in the investigation.<sup>312</sup> The influences affecting the 9/11 Commission to find the truth mostly reflect, on one hand, the agenda of political opponents to blame President Bush's administration and the agenda to put the blame on the intelligence community to save the administration's political prospects.<sup>313</sup>

### C. RESULT

The 9/11 Commission investigated the significance of several federal agencies, but heavily focused on the lack of authority of the Director of Central Intelligence.<sup>314</sup> Specifically, it found structural obstacles for networking that reflected the highly divisive

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<sup>310</sup> Zegart, *Spying Blind*, 181.

<sup>311</sup> *Ibid.*, 182.

<sup>312</sup> *Ibid.*, 66–7.

<sup>313</sup> Betts, *Intelligence Enemies*, 137.

<sup>314</sup> Marshall Curtis Erwin, "Intelligence Issues for Congress,," *CSR Report*, RL33539, (Washington, DC: April 23, 2013), 20, <https://www.fas.org/sgp/crs/intel/RL33539.pdf>. The 9/11 Commission Report Implementation Act 2004 highlights the 41 recommendations from the commission in nine titles: reform the intelligence community in title one; information sharing in title two; congressional reform in title three; presidential transition in title four; diplomacy, foreign aid, military role, and international law in title five; terrorist travel and effective screening in title six; transportation security in title seven; national preparedness in title eight; and protection of civil liberties in title nine. H.R 5040 – 9/11 Commission Report Implementation Act of 2004, Library of Congress website, accessed September 14, 2015, <https://www.congress.gov/bill/108th-congress/house-bill/5040?q=%7B%22search%22%3A%5B%22H.R.+5040-108th+Congress+%282003-2004%29+9%5C%2F11+Commission+Report+Implementation+Act%22%5D%7D&resultIndex=3>.

work environment in agencies.<sup>315</sup> First, the intelligence agencies in the United States focused on their own specific task in collecting intelligence, which was far from combining the result of their work.<sup>316</sup> Second, the intelligence community had a division between foreign and domestic intelligence operations in standards and practices.<sup>317</sup> The intelligence community lacked communication to each other because of different standards of collecting, processing, reporting, sharing, and analyzing intelligence.<sup>318</sup>

Third, there was a division in managing national intelligence community operations where the capabilities for the whole nation were divided among different departments.<sup>319</sup> The example was the allocation of resources from the National Security Agency (NSA), the National Geospatial-Intelligence Agency (NGA), and the National Reconnaissance Office (NRO) for national intelligence. These three agencies worked under the Secretary of Defense, which made the distribution of their collections hardly within the reach of the Director of Central Intelligence (DCI).<sup>320</sup> Fourth, ineffectiveness in prioritizing missions and allocating logistics were based on departments' foci.<sup>321</sup> Each department that had its own intelligence agency worked based on its own set of priorities and not based on national security priorities.<sup>322</sup>

Fourth, multiple duties of the DCI made the duties were unachievable.<sup>323</sup> The DCI was the Director of the CIA working simultaneously as the coordinator of all the national intelligence agencies and as the primary intelligence adviser to the president.<sup>324</sup> Lastly, a complicated and secretive community, the intelligence community was organizationally hard to understand with its fifteen different agencies and hardly open to

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<sup>315</sup> *9/11 Commission Report*, 408.

<sup>316</sup> *Ibid.*

<sup>317</sup> *Ibid.*, 409.

<sup>318</sup> *Ibid.*

<sup>319</sup> *Ibid.*

<sup>320</sup> *Ibid.*

<sup>321</sup> *Ibid.*

<sup>322</sup> *Ibid.*

<sup>323</sup> *Ibid.*

<sup>324</sup> *Ibid.*, 410.

public accounts.<sup>325</sup> These six shortfalls of the intelligence community motivated the 9/11 Commission to strongly recommend an overhaul of the U.S. intelligence community.

To address the gaps, the 9/11 Commission proposed placing the DNI and the National Counterterrorism Center (NCTC) directly under the president.<sup>326</sup> Furthermore, the Office of Director of National Intelligence (ODNI) would coordinate United States intelligence entities, divided into three large groups, to recruit, train, acquire, equip and work in the field.<sup>327</sup> The first group, to be led by a deputy intelligence director (NID) for foreign intelligence who also was the CIA director, would coordinate the function of the CIA and a new agency called the open source agency.<sup>328</sup> The second deputy would coordinate defense intelligence agencies, which consisted of the Defense Intelligence Agency, the NSA, the NGA, the NRO, and “other” agencies (see Figure 3).<sup>329</sup> The third group would be led by a deputy for homeland intelligence who headed Federal Bureau of Investigation (FBI) intelligence and counter intelligence departments and also the intelligence agencies under the Department of Homeland Security.<sup>330</sup> Figure 3 displays the proposed structure for the intelligence community reform in the United States from the 9/11 Commission.

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<sup>325</sup> *9/11 Commission Report*, 410.

<sup>326</sup> *Ibid.*, 411–6. See the proposed intelligence community organization chart in page 413.

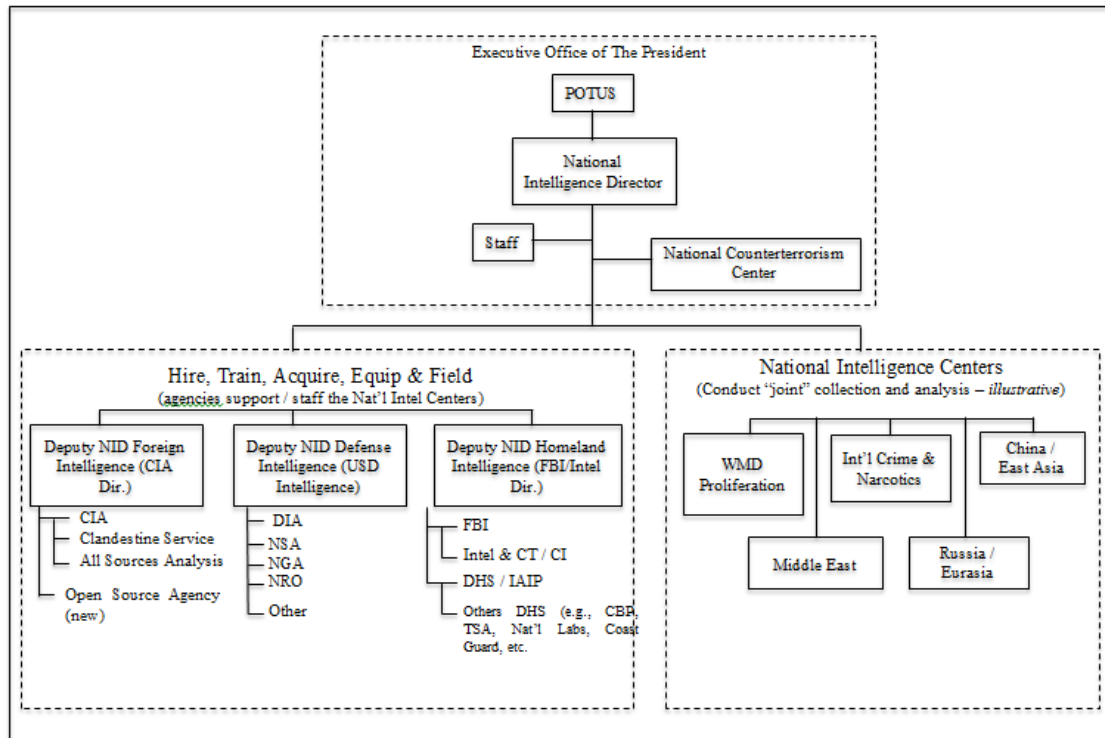
<sup>327</sup> *Ibid.*, 413.

<sup>328</sup> *Ibid.*, 411–6.

<sup>329</sup> *Ibid.*, 413.

<sup>330</sup> *Ibid.*

Figure 3. Recommendation for the Structure of the U.S. Intelligence Community from the 9/11 Commission



Adapted from National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report* (Washington, DC: U.S. Government Printing Office, 2004), 413.

The most important change produced by the 9/11 Commission's recommendations in 2004 is the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 that dictated the establishment of the Director of National Intelligence Director (DNI) at the level of a cabinet position, a separate position from the Director of the CIA, and of functional centers under the supervision of the ODNI.<sup>331</sup> The DNI that led the ODNI was a new bureaucratic layer directly under the President of the United States in order to increase control and coordination of the intelligence community.<sup>332</sup>

<sup>331</sup> Richard A. Best Jr., "The National Intelligence Council (NIC): Issues and Options for Congress," *CRS Report for Congress*, R40505, (Washington, DC: December 27, 2011): 1–13, <https://www.fas.org/sgp/crs/intel/R40505.pdf>.

<sup>332</sup> Robert D. Vickers Jr., "The Intelligence Reform Quandary," *International Journal of Intelligence and Counterintelligence* 19, (2006): 356–364, <http://www.tandfonline.com/doi/pdf/10.1080/08850600500483863>.

The roles of the DNI include leading the intelligence community; acting as primary intelligence advisor to the president; serving as a member of National Security Council (NSC); inspecting and formulating the National Intelligence Program's budget based on the intelligence agencies programs--except for the military intelligence, which still fell under the DOD. The DNI also is responsible for creating a standard for the intelligence missions and priorities in regards of the intelligence cycle; guaranteeing the quality of intelligence provided to the executive leaderships and relevant law makers; evaluating the intelligence community cooperation with foreign partners; ensuring the effectiveness of intelligence collections and analysis for national security; managing human resources among the intelligence community; inspecting the joint acquisition between the ODNI and DOD;<sup>333</sup> when necessary, giving names to the president for intelligence agency leadership nominations; taking charge of paramilitary activity assigned to the DOD; and executing the spending of funds and dispersing the funds and human resources as the director sees fit.<sup>334</sup>

The CIA Director works separately from the DNI to enhance the U.S. espionage capability.<sup>335</sup> The Director of the CIA now has the responsibility to oversee the intelligence community in its clandestine operations across the U.S. intelligence services.<sup>336</sup> Furthermore, the CIA had lost its exclusive role in presenting the president's daily intelligence briefing; providing a daily report to the president now falls to the DNI as the main intelligence adviser to the president.<sup>337</sup>

In order to improve the intelligence and security unity in a network-based institution, the ODNI led the functional centers: the National Counterterrorism Center, the National Counterproliferation Center (NCPC), and the National Counterintelligence Executive (NCIX). The establishment of the NCTC was primarily aimed at enhancing the

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<sup>333</sup> Director of National Intelligence Authorities and Duties, <http://www.dni.gov/index.php/about/organization>.

<sup>334</sup> Erwin, "Intelligence Issues for Congress," 20–21.

<sup>335</sup> Gregory F. Treverton, *The Next Steps in Reshaping Intelligence*, (Santa Monica, CA: RAND, 2005), [http://www.rand.org/content/dam/rand/pubs/occasional\\_papers/2005/RAND\\_OP152.pdf](http://www.rand.org/content/dam/rand/pubs/occasional_papers/2005/RAND_OP152.pdf).

<sup>336</sup> Ibid.

<sup>337</sup> Treverton, "Reshaping Intelligence," viii.

analytic ability of the combination of foreign and domestic intelligence in order to counter terrorism.<sup>338</sup> In regards to counterterrorism intelligence operations and analysis, the NCTC reports to the DNI and to the president on counterterrorism policy.<sup>339</sup> The NCPC was established to provide a focus on United States national entities, including the private sector, related to chemical, biological, radiological, and nuclear weapons threats.<sup>340</sup> The NCIX coordinates the whole national counterintelligence enterprise, including states, local, and tribal institutions.<sup>341</sup>

The second recommendation captured in the Intelligence Reform and Terrorism Prevention Act is sharing information. The Act, regarding to information sharing, dictated an establishment of a sharing network among government agencies including federal, state, and local agencies and also relevant private entities.<sup>342</sup> To better achieve the NCIX missions, local governments ran 77 fusion centers across the United States to absorb and share the relevant information regarding security matters from all sources as well as to coordinate the counterterrorism effort of federal, state, and local law enforcement; intelligence community representatives; public health sector; and fire departments.<sup>343</sup>

The 9/11 Commission found problems in the overall intelligence community and gave recommendations to reform intelligence community. The recommendations for intelligence reform focused on two areas: establishment of a new layer of bureaucracy and information sharing. The lawmakers captured the recommendations related to intelligence reform and pass those into law in a fast manner.

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<sup>338</sup> Richard A. Best Jr., “Director of National Intelligence Statutory Authorities: Status and Proposals,” *CSR Report*, RL 34231 (December 26, 2011): 1–9, <https://www.fas.org/sgp/crs/intel/RL34231.pdf>.

<sup>339</sup> Ibid.

<sup>340</sup> ODNI official website, NCPC page, <http://ncpc.dni.gov/>

<sup>341</sup> NCIX official website, <http://www.ncix.gov/about.php>

<sup>342</sup> H.R 5040 – 9/11 Commission Report Implementation Act of 2004, Library of Congress website, accessed September 14, 2015, <https://www.congress.gov/bill/108th-congress/house-bill/5040?q=%7B%22search%22%3A%5B%22H.R.+5040-108th+Congress+%282003-2004%29+9%5C%2F11+Commission+Report+Implementation+Act%22%5D%7D&resultIndex=3>.

<sup>343</sup> Richard A. Best Jr., “Securing America’s Borders: The Role of Intelligence Community,” *CSR Report*, R41520 (December 7, 2010): 6–10, <https://www.fas.org/sgp/crs/intel/R41520.pdf>.

## D. IMPLEMENTATION

The Intelligence Reform Act passed in 2004 was designed to protect the nation from further terrorist attacks by focusing on reforming the effectiveness of the United States intelligence community, including defense intelligence agencies. Scholars concur on the ineffectiveness of the intelligence community, but differ somewhat over its causes. Some emphasize the failings of the intelligence agencies themselves, and others blame the civilian leadership for failing to manage them properly.

More than ten years after the 9/11 terrorist attacks, proponents of reform still are not fully confident that the United States has been firmly protected from terrorist attacks, even after the death of Osama bin Laden. Too much of the success in preventing further attacks, in their view, depends on luck.<sup>344</sup> The reform of the intelligence community enacted in 2004, based on the recommendation of the 9/11 Commission, had not changed much—neither how the intelligence community works nor how insecure the public feels. The reform of the intelligence community created by civilians through public law has not make the intelligence community more effective than it was prior to 9/11.

The 9/11 Commissioners attempted to assess implementation of their recommendations through a non-profit organization named the Public Discourse Project (PDP) to ensure the implementation of their recommendations.<sup>345</sup> In 2005, the 9/11 Commission members started their oversight programs to evaluate the reform that they had proposed to the administration.<sup>346</sup> However, after the 9/11 Commission ended, the

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<sup>344</sup> Dante Chanini, “10 Years after 9/11: Who Feels Safer?” *PBS News Hour*, September 9, 2011, <http://www.pbs.org/newshour/rundown/10-years-after-911-who-feels-safer/>; Omar Ashmawy, “Ten Years After 9/11, We’re Still In The Dark,” *The Washington Post*, September 9, 2011, [https://www.washingtonpost.com/opinions/ten-years-after-911-were-still-in-the-dark/2011/09/07/gIQAkB5AGK\\_story.html](https://www.washingtonpost.com/opinions/ten-years-after-911-were-still-in-the-dark/2011/09/07/gIQAkB5AGK_story.html); Statement of Zoe Baird Budinger and Jeffrey H. Smith, Ten Years After 9/11: A Status Report On Information Sharing, Senate Committee on Homeland Security and Governmental Affairs, October 12, 2011; Statement of Senator Susan M. Collins, “Ten Years After 9/11: Is Intelligence Reform Working?” May 12, 2011; Even in the Progress Report of the 9/11 Recommendations released by the Department of Homeland Security in 2011 admitted that the threat is constantly menacing the citizens from within, and their power is not able to track all the threats. Even though they have worked hard to protect the nation, they still need the people helps to protect the society.

<sup>345</sup> Kean and Hamilton, *Without Precedent*, 331.

<sup>346</sup> *Ibid.*

Commission lost its security clearances and legal authority to oversee its work.<sup>347</sup> The White House, for example, informed the PDP that they would treat them like any other non-profit organization.<sup>348</sup> After several rejections from the government, the effort to observe the reform reached its conclusion in October 2005.<sup>349</sup> Kean and Hamilton, the chair and vice chair of the 9/11 Commission, stated that the “director of National Intelligence and the National Counterterrorism Center were up and running, but both had a long way to go in addressing critical issues such as information sharing and building a unified community.”<sup>350</sup> As noted earlier, Betts argues that the United States as a whole tried to fix the problem by throwing money and resources at the intelligence community, which led to unsuccessful reform.<sup>351</sup> In Zegart’s opinion, the intelligence community has changed after the enactment of the law but most parts of it have seen no progress, while some are moving backwards.<sup>352</sup>

Thomas H. Kean’s words when he was addressing the public on 5 December 2005 about the development of the reform reflect more frustration than optimism. He stated:

[M]any obvious steps that the American people assume have been completed, have not been. Our leadership is distracted. Some of these failures are shocking. Four years after 9/11: It is scandalous that the police and firefighters in large cities still cannot communicate reliably on a major crisis. It is scandalous that airline passengers are still not screened against all names on the terrorist watch list. It is scandalous that we still allocate scarce homeland security dollars on the basis of pork barrel spending, not risk ... [w]e believe that the terrorists will strike again. If they do, and these reforms have not been implemented, what will our excuses be? While the terrorists are learning and adapting, our government is still moving at a crawl.<sup>353</sup>

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<sup>347</sup> Kean and Hamilton, *Without Precedent*, 331.

<sup>348</sup> *Ibid.*, 332.

<sup>349</sup> *Ibid.*, 333–4.

<sup>350</sup> *Ibid.*, 334.

<sup>351</sup> Betts, *Intelligence Enemies*, 126–8.

<sup>352</sup> Amy B. Zegart, *Spying Blind: The CIA, the FBI, and the Origins of 9/11* (Princeton: Princeton University Press, 2007), 182.

<sup>353</sup> Kean and Hamilton, *Without Precedent*, 337–8.



Later on, the PDP released a report card with letter grades to define the development of the reform.<sup>354</sup> The intelligence community reform score fell short of expectations.

The Director of National Intelligence received a B because it was already in place and running. Nonetheless, the DNI still needed to work on transforming the lack of sharing of intelligence, reforming the intelligence community, and unifying efforts among intelligence agencies as soon as possible.<sup>355</sup> The NCTC earned a B for its collaboration in analysis and evaluation even when under-funded and lacking resources.<sup>356</sup> The FBI received a C for its slow progress in reforming the organization.<sup>357</sup> The CIA director in the reform received an “[i]ncomplete” grade for absence of a positive outcome.<sup>358</sup> Information sharing was graded a D for its minimal implementation in the intelligence community.<sup>359</sup> Congressional oversight of intelligence reform scored a D because, at that moment, the oversight subcommittee for intelligence reform had not been created.<sup>360</sup> The declassification of the intelligence budget in Congress had not been touched and scored an F.<sup>361</sup> The accumulation of grades indicated that the reform of the United States intelligence dictated by public law crawled along at a desperately slow rate. Improved effectiveness of the intelligence community as a result of the reform had barely been achieved.

The intelligence community bureaucratic reform dictated by the 9/11 Commission seems almost impossible to implement. One of the problems in United States defense reform is a highly politicized environment that made the mission to protect the nation heavily influenced by political competition.<sup>362</sup> Instead of working to create a more

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<sup>354</sup> Kean and Hamilton, *Without Precedent*, 341–6.

<sup>355</sup> *Ibid.*, 343.

<sup>356</sup> *Ibid.*

<sup>357</sup> *Ibid.*, 344.

<sup>358</sup> *Ibid.*

<sup>359</sup> *Ibid.*

<sup>360</sup> *Ibid.*

<sup>361</sup> *Ibid.*, 345.

<sup>362</sup> Bruneau, *Patriots For Profit*, 106.

effective intelligence community, the DNI and CIA directors had their own bureaucratic competition.<sup>363</sup> Dennis Blair, a former DNI, argues that:

The CIA has often used the leverage and influence left over from its days of dominance to act independently, undercutting the authority of the DNI and attempting to gain leadership of community intelligence activities or to act independently of them. The CIA often used its direct relationship with the White House, Congress, and the intelligence services of other countries for this purpose.<sup>364</sup>

The dispute between the DNI and CIA has been mostly won by the CIA with the support of the White House.<sup>365</sup> Not only has the CIA challenged DNI's bureaucratic position, but the administration also failed to enforce the DNI's authority over the CIA as dictated by law.

The other pressing issue was DNI authority power over the intelligence community budget. Constant friction prevailed between the DNI and Secretary of Defense on the intelligence community budget, especially the intelligence missions performed under the DOD.<sup>366</sup> For example, the DNI held the authority for major acquisitions regarding the intelligence community under DOD procurement; nonetheless, such procurement required Secretary of Defense authorization.<sup>367</sup> The authority by law to control the national intelligence program vested in the DNI came with the absence of budgetary control power.<sup>368</sup> The absent of budgetary control meant the DNI could not fully control the intelligence community as a whole through leverage.

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<sup>363</sup> "Ten Years After 9/11: Is Intelligence Reform Working?," Opening Statement of John C. Gannon to the U.S. Senate Homeland Security and Government Affairs Committee Hearing, May 12, 2011, 1–6. <http://www.hsgac.senate.gov/hearings/ten-years-after-9/11-is-intelligence-reform-working-part-i>.

<sup>364</sup> Dennis C. Blair, "Unfinished Business," *The American Interest* VII, no. 4 (April 2012): 74. <http://www.the-american-interest.com/2012/02/02/unfinished-business/>.

<sup>365</sup> Bobby Gosh, "Overseas Turf War Between the CIA and DNI Won't Die," *Time*, 06 November 2009, <http://www.time.com/time/nation/article/0,8599,1936129,00.html>.

<sup>366</sup> Vickers, "The Intelligence Reform," 356–64.

<sup>367</sup> Richard A. Best Jr., "Director of National Intelligence Statutory Authorities: Status and Proposals," *CSR Report*, RL34321 (December 16, 2011): 1–9. <https://www.fas.org/sgp/crs/intel/RL34231.pdf>.

<sup>368</sup> Mieke Eoyang and Aki Peritz, "Fix-Not Nix-the ODNI," *The National Security Program*, Third Way Memo, 6 October 2011, 1–4. <http://www.thirdway.org/memo/fix-not-nix-the-odni>.

The implementation of the intelligence reform remains unsatisfying. Amy Zegart argues that some of the intelligence reforms failed, were counterproductive, and have not improved much.<sup>369</sup> The examples of ineffective intelligence community in mitigating terrorist threats were the 2009 Fort Hood shootings and Christmas Day bombing, as well as the 2010 Times Square car bomb.<sup>370</sup>

Many experts have stressed the lack of collaboration and information sharing among U.S. intelligence agencies. In 2002, Steven L. Salazar argued that, “America’s intelligence efforts, although well-meaning and well-funded, are not organized to support national security effectively.”<sup>371</sup> Salazar added that the intelligence agencies in the United States were like neighbors, in that sometimes they shared information and sometimes they did not.<sup>372</sup> Richard K. Betts puts these criticisms more forcefully, arguing that the United States, after the 9/11 reform, has only thrown money at its intelligence community, rather than creating effectiveness in the community.<sup>373</sup> Betts cites such examples as the FBI’s reluctance to change its organizational culture or unexploited collected information in the NSA after huge incentives for the new program from Congress.<sup>374</sup>

James R. Clapper, Jr., Director of National Intelligence and a retired U.S. Air Force Lieutenant General, argues that after 9/11, the United States intelligence community has improved, but still need some areas to work includes intelligence acquisition, analytical tradecraft, security-clearance reform, security and counter intelligence, collaboration, and relationships with foreign partners.<sup>375</sup> While Clapper suggests the intelligence institutions have become more effective, Betts criticizes the

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<sup>369</sup> Zegart, *Eyes on Spies*, 1–2.

<sup>370</sup> *Ibid.*, 2.

<sup>371</sup> Steven L. Salazar, “Transforming the Intelligence Community,” in *Transformation Concepts for National Security in The 21<sup>st</sup> Century*, ed. Williamson Murray (Strategic Studies Institute, 2002), 247.

<sup>372</sup> *Ibid.*, 250.

<sup>373</sup> Betts, *Enemies of Intelligence*, 126–7.

<sup>374</sup> *Ibid.*

<sup>375</sup> James R. Clapper, Jr. “The Role of Defense in Shaping U.S. Intelligence Reform,” in *The Oxford Handbook of National Security Intelligence*, ed. Johnson K. Loch (Oxford: Oxford University Press, 2010), 638.

effectiveness of the intelligence reform, particularly as gauged by performance.<sup>376</sup> These criticisms show that the intelligence community, although institutionally established, still lacks effectiveness in collaborative efforts necessary to protect the nation.

Zegart looks at intelligence ineffectiveness from a different perspective than that of Salazar, Clapper and Betts. She argues, in line with Salazar and Betts, that, “The Intelligence Reform and Terrorism Prevention Act of 2004 started with high hopes but ended up producing only modest changes.”<sup>377</sup> In her view, however, the key issue is that executive and legislative branch leaders use their role in intelligence oversight for narrow political gains, rather than for the national interest. Zegart argues: “Ten years after 9/11, the United States has an intelligence oversight system that is well-designed to serve the re-election interests of individual legislators and protects congressional committee prerogatives, but poorly designed to serve the national interest.”<sup>378</sup>

It is not mainly the intelligence community’s actions that cause its ineffectiveness, in Zegart’s view. Congress’ role in governing the intelligence community, in her view is the key problem. It needs to be enhanced, if not overhauled, to focus more on oversight rather than narrow political interests.<sup>379</sup> Zegart, furthermore, argues that good legislative oversight will ensure that the intelligence community receives necessary resources and deploys them to maximum effect.<sup>380</sup> It also will help agencies set strategic priorities and force them to improve by asking hard questions and demanding better answers.<sup>381</sup> Better oversight also would help ensure that the intelligence community abides by the law, thereby helping the agencies to gain public trust, while by necessity hiding what they do.<sup>382</sup>

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<sup>376</sup> Clapper, “The Role of Defense,” 638; Ibid.

<sup>377</sup> Amy B. Zegart, *Spying Blind: the CIA, the FBI, and the Origins of 9/11* (Princeton: Princeton University Press, 2007), 171,

<sup>378</sup> Ibid., 11.

<sup>379</sup> Amy B. Zegart, *Eyes on Spies: Congress and the United States Intelligence Community* (Stanford: Hoover Institution Press, 2011), 3–11.

<sup>380</sup> Ibid., 6.

<sup>381</sup> Ibid.

<sup>382</sup> Zegart, *Eyes on Spies*, 6.

Zegart focuses on three traditional challenges that prevent maximum implementation of intelligence reformation in the United States. These challenges are “bureaucratic resistance, tepid presidential support, and opposition from key congressional committee chairmen who stood to lose and had the power to resist.”<sup>383</sup> In sum, Zegart emphasizes the issue of politicization intelligence by civilian politicians more than bureaucratic politics causing U.S. intelligence institutions to be ineffective.

Sudden reform with political ramifications at every level of bureaucracy created a conflict of interests among civilian and security officials. The implementation of the Intelligence and Terrorism Prevention Act of 2004 was inadequate because of bureaucratic resistance influenced by “organizations structures, cultures, and incentives.”<sup>384</sup> Thus, the intent of the reform—to protect the United States from terrorist attacks—has barely achieved its goals.

## **E. CONCLUSION**

The attempt to reform the U.S. intelligence community after 9/11 appears to resemble a political circus. Zegart says, “The crux of the problem lies in the enduring realities of American politics, and success requires finding ways to overcome them.”<sup>385</sup> The cause of the reform was that 9/11 happened because of weak relations among the intelligence agencies and between the intelligence community and Bush administration. The intelligence agencies had given the warning to the civilian leaders and received little positive feedback.

Since the beginning of the 9/11 Commission until the Intelligence Reform and Terrorism Prevention Act of 2004 law passed, the focus of the national elites are mostly on their narrow political interests. The 9/11 Commission was formed mostly because the people, especially the victims’ family, wanted it, not the national elites. The implementation of the law has been progressing slowly; the intelligence bureaucracies

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<sup>383</sup> Zegart, *Eyes on Spies*, 170–1.

<sup>384</sup> *Ibid.*, 196.

<sup>385</sup> Zegart, *Spying Blind*, 197.

have continuously resist changes. Institution parochialism and partisan interests are the main concern of the nation's elites.

## IV. CONCLUSION

When narrow political interests become involved, national security comes in second. Stephen Krasner argues that, “The United States has a strong society but a weak state ... [t]he central features of American politics is the fragmentation and dispersion of power and authority.”<sup>386</sup> A weak state could be beneficial to accommodate differences and create better policies.<sup>387</sup> Nevertheless, narrow interests of political and defense elites that may come into play in determining national security policies seem to result in ineffective defense institutions.

This thesis investigated civil-military relations in the United States through efforts to reform the defense sectors of the military and intelligence agencies. The enactment of the Goldwater-Nichols Reorganization Act of 1986 reformed the military. The 9/11 Commission Recommendations significantly motivated United States civilian leaders in the legislative and executive branches to pass the Intelligence Reform and Terrorism Prevention Act of 2014. These laws show vividly the actual state of civil-military relations in the United States. The two case studies show how civilians, the executive leaders and the legislators, often put their political interests ahead of military and intelligence effectiveness. Also, the two case studies show that the military and intelligence community are equally as political as the civilian bodies. These agencies themselves, in acting to pursue their narrow bureaucratic interests, put political influence and budgetary control ahead of national security effectiveness. The political bargaining process of the executive and legislative branches, heavily influenced by political preferences of the military and intelligence agencies, determined the policy governing security institutions in the United States. Thus, the reforms failed to reach most of their objectives from the very beginning of their process.

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<sup>386</sup> Stephen Krasner, *Defending the National Interests: Raw Materials Investments and U.S. Foreign Policy* (Princeton, NJ: Princeton University Press, 1978), 61.

<sup>387</sup> *Ibid.*, 69.

While civilian control over security entities, in this case the military and intelligence institution, in the United States is not at stake,<sup>388</sup> the dynamics between civilians and the military in the United States is still shape the policy outcomes that govern the defense communities. In the United States, the military serves two civilian institutions: the executive and the legislative.<sup>389</sup> When issues arise regarding the effectiveness of the military, the two political bodies, the executive and legislative, try to resolve the issues collectively, which is both proper, but also problematic.<sup>390</sup> It is problematic because the process of reform naturally attempts to absorb all the narrow political interests from the elites, including the administration, the legislative, and the military and intelligence community. In the process of reforming the security institutions, political interests from the people who serve in Congress, the administration, and the military and intelligence community, play out. Consequently, the determinants of reform rely on the compromises between political entities. Reform can only occur when the terms of reform are acceptable to all the parties involved in the process.

Narrow political interests often meant that defense reform was designed to achieve these political results, not to improve the effectiveness of the defense institutions. In this situation, the military and intelligence leaders tend to pick a side in the political arena, either supporting the executive or legislative branches.<sup>391</sup> Consequently, the military and intelligence agencies have room to influence defense policy, which according to experts, diminishes civilian control over these defense institutions..<sup>392</sup> At least in the last two notable security reforms, reform happened when the legislative branches noticed serious ineffectiveness in the security institutions. On balance, this

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<sup>388</sup> Bruneau, *Patriots for Profit*, 19.

<sup>389</sup> Mackubin Thomas Owens, "What Military Officers Need to Know About Civil-Military Relations," *Naval War College Review* 65, no. 2 (Spring 2012): 67–87, <https://www.usnwc.edu/getattachment/1ef74daf-ebff-4aa4-866e-e1dd201d780e/What-Military-Officers-Need-to-Know-about-Civil-Mi>.

<sup>390</sup> Juan J. Linz, "Presidential or Parliamentary Democracy: Does It Make a Difference?," in *The Failure of Presidential Democracy*, ed. Juan J. Linz and Arturo Venezuela (Baltimore: The John Hopkins University Press, 1994), 3–90.

<sup>391</sup> *Ibid.*, 7.

<sup>392</sup> Deborah Avant, "Conflicting Indicators of 'crisis' in American Civil-Military Relations," *Armed Forces & Society* 24, no. 3 (Spring 1998): 375–6, <http://afs.sagepub.com/content/24/3/375.full.pdf+html>.



thesis assesses that the main cause of the ineffectiveness of the military and intelligence community are their pursuit of their parochial interests that blocked more effective reforms.

Notable failures of the defense sectors triggered reform. When these failures became a important national issue, political efforts emerged to satisfy popular calls for action. In this situation, the process of determining the shape of reform becomes highly important. Parochial political interests collide in the process of finding the problems and trying to fix them. The administration tends to find ways to avoid blame from Congress, especially from their political opponents, and opponents in Congress tend to look for problems that can be blamed on the administration. Parochial political agreements create a reform process in the form of legislation. The U.S. military and intelligence community have accepted full civilian control but both seek to keep their pre-reform autonomy.<sup>393</sup>

## **A. CAUSES**

This thesis indicates what may be a pattern of reform in the U.S. defense sector, at least with respect to the last two reforms, the Goldwater-Nichols Act of 1986 and the 9/11 Commission Report. The effort to reform defense institutions in the United States, historically, starts with the poor performance of defense institutions.

The Goldwater-Nichols Act of 1986 came about from great concerns in the legislature over military failures in the field and mismanagement at home. Thus, the lawmakers focused on passing a bill that would overhaul the entire DOD. The ineffectiveness of the military became the main issue here. Also, the series of failures convinced the legislators that the DOD not only needed to be fixed but also that the reform needed to be dictated by the rule of law, which is the highest form of civilian control in a democratic nation.<sup>394</sup> This condition meant that the lawmakers, who were the representatives of the people, were unsure whether the administration had sufficient power or political will to dictate reform in the military. Even with glaring military failures and mismanagement, it took four years of intense bargaining over the substance

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<sup>393</sup> Owen, "Military Officers Need to Know," 71.

<sup>394</sup> Bruneau, *Patriots for Profit*, 83.

of the reform bill before lawmakers achieved an outcome that accommodate as much as it could the parochial interests of military, executive and legislative elites.

The 9/11 attacks captured the whole world's attention. Nonetheless, instead of focusing on fixing the security sectors, the administration first priority was to seek punishment of the attackers. The hardest push for reform came from the constituents related to the victims.<sup>395</sup> Thus, the lawmakers representing the people tried to find ways to create a commission that would investigate the tragedy and find the defects in the U.S. security system. The 9/11 Commission formed after almost a year of the attack to find what was wrong, if anything. The intelligence community was the first institution that was mentioned in the report; the intelligence community had been considered a failure in detecting the attack.<sup>396</sup>

Tension between the civilian leadership and the defense community in the causes of intelligence reform was high because, at this point, the intelligence community took the blame for the attacks. It also, to some extent, resisted changes for parochial political reasons. The failures in both case studies made the civilians distrust the defense sector's capability to operate effectively and reform itself. While the military and executive branch leaders both sought to deflect mandated reform of U.S. defense and intelligence institutions, lawmakers and the 9/11 commissioners insisted that these institutions needed to change and that the only way to ensure the civilians that they would change was mandating defense reform through the rule of law.

## **B. PROCESS**

The process of reforming security sectors in the United States highlights the contending political interests involved in civilian governance of the defense sector. While the averred purpose of reform was to fix the improve effectiveness of the national security institutions, political interests significantly constrained this process. The Goldwater-Nichols Act of 1986 resulted from a complex political bargaining process. Also, the 9/11 Commission Report reflected a political bargain between the

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<sup>395</sup> Shenon, *The Commission*, 9–14.

<sup>396</sup> Betts, *Enemies of Intelligence*, 105.

administration, the military elites, and Congress. All U.S. political elites involved, including the executive branch, the military, intelligence community and legislature, had their own political agendas in the reform process. As a result, the focus in reforming the defense sector for the sake of the nation became a lesser priority. Parochial political interests unrelated to defense effectiveness infused the process of reforming the defense community.<sup>397</sup>

The Goldwater-Nichols Act of 1986 exemplified political collisions between political and military elites in the United States, involving active military officers in the midst of the debate. The administration challenged the Congress's bid to reform the military by law. Congress responded to calls for a few senior military officers for a defense overhaul. The reform ideas came from these generals, who had already achieved everything they could achieve in their military careers. Generals newly appointed by the administration, however, rallied behind executive branch as a means to hold onto their parochial perquisites. The military shared with the administration the desire to resist change and control any organizational changes internally and military leaders actively acted out in the process. The generals challenged Congress' intention to enact a law managing the military and displayed emotional imbalance before the legislators,<sup>398</sup> one of their masters in the democratic, civilian control realm.<sup>399</sup> Even though it did not signal military disobedience to the civilian authority, enacting the Goldwater-Nichols Act revealed strained civil-military relations and the military's deep involvement in a national political process. The military put parochial interests ahead of robust civilian control in ensuring improved effectiveness in this specific case.

The process of reform in the intelligence community from the 9/11 Commission Report was mired in political deliberations. Most significantly, the process to decide whether the nation needed a commission to investigate the attack in order to find the causes of defense failure took too much time. Arguably, without constant pressure from

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<sup>397</sup> Zegart, *Flawed By Design*, 151–62.

<sup>398</sup> Locher, *Victory on the Potomac*, 3–12.

<sup>399</sup> Owen, "What Military Officers Need to Know," 7.

the relatives of the deceased, the Commission would never have been erected.<sup>400</sup> The appointment of the members and leadership of the Commission showed an extensive level of political intrusion, with even the selected chairs doubting the seriousness of the commission establishment and influence.<sup>401</sup>

The administration did not cooperate in the process of the 9/11 commission investigation beyond superficial support.<sup>402</sup> The administration was keenly aware that it would bear political responsibility for its incapability in keeping the nation secure, if the commission found that the administration had ignored terrorist threats in favor of pursuing other enemies.<sup>403</sup> While the intelligence community insisted that they had given sufficient information to the administration to take action in the form of policy, the administration consistently pointed fingers at the incapability of the intelligence community to provide specific information about the attack.<sup>404</sup> Parochial political interests in the Pentagon and the CIA interfered with and influenced the legislative process in reforming the intelligence community, and robbed the new DNI of significant organizational and political clout.

## C. RESULT

The defense reform processes became final in the form of public law: The Goldwater-Nichols Act of 1986 and the Intelligence Reform and Intelligence Prevention Act of 2004. These two results showed, at least to the American public, that the elected officials in the White House and Capitol Hill had done something to fix the problems in the U.S. defense sector, even though it was imperfect.

The Goldwater-Nichols Act of 1986 dictated an overhaul in the DOD. This Act was intended to mainly fix the military senior leadership, reduce inter-service rivalry, increase the role of the functional and geographical combatant commander, promote

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<sup>400</sup> Shenon, *The Commission*, 9–14.

<sup>401</sup> Kean and Hamilton, *Without Precedent*, 16.

<sup>402</sup> Kitts, *Presidential Commission & National Security*, 133–7.

<sup>403</sup> Zegart, *Spying Blind*, 16.

<sup>404</sup> Dahl, *Intelligence and Surprise Attacks*, 156–7.

jointness at the military operational level, and redo the management system in the DOD.<sup>405</sup> The Act was a bitter pill for the administration and the military, but it had been passed and had to be followed. Nonetheless, most of the elites achieved their political agendas in passage of the Act. The administration and the military received the defense budget they desired, and Congress passed one of the most important laws in the United States. .

The 9/11 Commission Report distributed the blame for failures leading to the terrorist attacks, and the first institution on the blame list was the intelligence community.<sup>406</sup> The implementation of the 9/11 Commission report recommendations on the intelligence community took only five months to be enacted into law. Law dictated that the intelligence community reform the way it operated and added a top layer of coordination and supervision. The Act created the new position of DNI, whose main functions are to coordinate and oversee the U.S. intelligence community. Also, the Act demanded that the intelligence community create an information sharing mechanism. In this case, mirroring the previous case of defense reform, political interests played the biggest role. Elected officials, executive and legislative, worked together to answer public concerns through the establishment of the 9/11 Commission but then worked in a partisan fashion to undermine its efforts and recommendations for reform. Particular parts of the intelligence community—the Defense Department and the CIA-- sought to influence the reform bill so as to reduce the power of the new DNI, thereby undermining the effectiveness of the reform process as a whole. The White House, in particular, aligned with the interests and actions of CIA and DOD, to prevent effective implementation of the act.

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<sup>405</sup> Bruneau, *Patriots for Profit*, 85–6.

<sup>406</sup> Betts, *Intelligence Enemies*, 137.

## D. IMPLEMENTATION

This thesis demonstrates that defense institutions can significantly influence the substance of defense reform and its implementation,<sup>407</sup> with unpredictable consequences for the U.S. defense effectiveness and even civilian supremacy in U.S. national security policy. The Goldwater-Nichols Act, in some way, created internal bureaucratic tensions<sup>408</sup> and a militarized tendency in foreign policy.<sup>409</sup> Also, the DOD struggled to formulate effective mechanisms to implement the necessary jointness among services.<sup>410</sup> The Act also created the CJCS, who now only provides a single military entry point for advice to civilian leaders. This may eventually create problems in defense decision-making processes because the advice might be subjective and not reflect the opinions of all of the services and combatant commands.<sup>411</sup>

The Intelligence Reform and Terrorism Prevention Act of 2004 as the implementation of the 9/11 Commission recommendations on intelligence sector, while having some good results, also met problems in its implementation. Many people believed that the Act did not meet the goal of achieving an effective intelligence community.<sup>412</sup> Also, the reluctance of the agencies to commit to executing the law is high.<sup>413</sup> Moreover, the implementation of the law has created organizational tensions, especially between the DNI and CIA.<sup>414</sup> Another tension appeared in the Pentagon

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<sup>407</sup> Lovelace, *Unification of the United States Armed Forces*, 43.

<sup>408</sup> Lederman, *Reorganizing the Joint Chiefs of Staff*, 86.

<sup>409</sup> Priest, *The Mission*, 45.

<sup>410</sup> Adolph, "Why Goldwater," 48.

<sup>411</sup> Bourne, "Unintended Consequences," 99–100.

<sup>412</sup> Chanini, "10 Years after 9/11: Who Feels Safer?"; Ashmawy, "Ten Years After 9/11, We're Still In The Dark,"; Statement of Zoe Baird Budinger and Jeffrey H. Smith, Ten Years After 9/11: A Status Report On Information Sharing, Senate Committee on Homeland Security and Governmental Affairs, October 12, 2011; Statement of Senator Susan M. Collins, "Ten Years After 9/11: Is Intelligence Reform Working?" May 12, 2011; Even in the Progress Report of the 9/11 Recommendations released by the Department of Homeland Security in 2011 admitted that the threat is constantly menacing the citizens from within, and their power is not able to track all the threats. Even though they have worked hard to protect the nation, they still need the people helps to protect the society.

<sup>413</sup> Kean and Hamilton, *Without Precedent*, 337–8.

<sup>414</sup> Bobby Gosh, "Overseas Turf War Between the CIA and DNI Won't Die," *Time*, 6 November 2009, <http://www.time.com/time/nation/article/0,8599,1936129,00.html>.

retaining procurement authorization for all intelligence agencies under the DOD, which make up the majority in the United States intelligence community. The budget power is held by the Secretary of Defense, not the DNI.<sup>415</sup> Thus, the DNI has no stick-and-carrot power over the majority of the intelligence community.

The implementation of the law in both case studies showed two things: both laws were implemented rather slowly, but organizational tensions arose quickly in the new organizational setting. The thesis suggests that maximum effectiveness can not be reached in defense reform when elites among civilians and the military focus on parochial political interests. Also, unexpected consequences and organizational tensions in the implementation arose because communication between the subject of the laws, the military, the lawmakers, and the administration, was inadequate and created tension.

## **E. IMPLICATIONS**

Political relations among and between civilian and military leaders is a highly important factor in reforming security organizations in a democratic nation. The two case studies, which covered the two latest defense sector reforms in the United States, showed some patterns as the precursors of defense sector reform in the nation. The first pattern was the causes of the reform, that is the ineffectiveness of the defense organizations. While it is rational to think that ineffectiveness can be solved with reorganization or reform, the case studies suggest that bureaucratic struggles over influence and budgets combine with parochial and partisan political interests to derail effective reform. Instead of detecting or admitting the organizational ineffectiveness and fixing it, the U.S. defense sector has tended to resist changes until it was too late. Security reform should be a continuing process in the dynamics of a changing security environment,<sup>416</sup> not a reactive designed around bureaucratic and political careers, or even worse, organizational budgets.

Secondly, in the process of reorganization led by civilians, the communication between civilians and the military was often counter-productive, which reflected the quality of civil-military relations in the United States. The tensions in the process of

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<sup>415</sup> Robert D. Vickers Jr., "The Intelligence Reform," 356–64.

<sup>416</sup> Cebrowski, *Military Transformation*, 8.

reorganization resulted in ineffective results and imperfect implementation. In achieving better results in reorganizing security sectors, robust communication between civilians and the military is an important precursor. Although the level of democratic control in the United States remains relatively high and stable, the case studies demonstrate that when reform efforts are opposed by military and intelligence leaders and key civilian officials in the executive branch, the reality of reform will not be as robust as what is written or intended on paper. Overcoming parochial interests of civilians and the military in reorganizing the security sector is highly important.<sup>417</sup> Reaching a positive consensus on the need for reform requires a high degree of constant communication and understanding between the civilian and the military sectors and a commitment to the national interest in effective defense and intelligence capabilities.

## **F. FURTHER STUDY AND RECOMMENDATIONS**

This thesis focuses on analyzing civil-military relations in U.S. security reforms. Experts on the United States' current security sectors are concerned that the U.S. government has invested a vast amount of resources in overhauling the defense community but has not achieved the desired ends of jointness, effectiveness and accountability, which signals the need for further reform.<sup>418</sup> A new effort to reorganize the U.S. security sector started in 2006. Nonetheless, this effort did not spark enough motivation for the security sector stakeholders to act upon it.<sup>419</sup> A collaborative effort between civilians and the military in reforming the U.S. security sector is strongly needed at this moment.

This thesis' findings describe the effect of parochial political battles among civilian and military leaders on the effectiveness of security sector reform. The analysis that this thesis uses would be valuable in analyzing how communication between the civilians and the military in the sequences of security sector reform developed in this thesis may affect new reform within the U.S. security sector. If the United States reforms

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<sup>417</sup> Rebecca Schiff, "Civil-Military Relations Reconsidered: A Theory of Concordance," *Armed Forces & Society* 22, 1 (Fall, 1995): 7–24, <http://afs.sagepub.com/content/22/1/7.full.pdf+html>.

<sup>418</sup> Bruneau, *Patriots for Profit*, 1.

<sup>419</sup> *Ibid.*, 156.



its security sector in a reactionary fashion motivated by parochial concerns, then this thesis model would be proven legitimate in predicting the pattern of security reform in the United States. Furthermore, when motivated by poor performances or ineffectiveness of the security sectors, future reform would likely start from civil-military tensions or unproductive communication and result in an imperfect implementation of security reform.

Regarding the importance of the security sector in the United States as a world leader, this thesis would strongly suggest that an ongoing process of continuous security reform be dictated in the form of law. The prerequisite of continuing reform is robust communication between civilian and military leaders, as well as control from the administration and legislators. Thus, security sector reform would be a continuous process, and tensions between civilians and the military in the reform, instead of increasing over a one-time outcome, would be lessened through an interactive process of restructuring. Consequently, in a structured and anticipated security sector reform, lower tensions in civil-military relations and effective implementation would likely be the result.

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